

## Development Management Sub Committee

**Wednesday 28 August 2013**

**Application for Planning Permission 13/00723/FUL  
At Royal Botanic Nursery, Inverleith Avenue South,  
Edinburgh**

**New buildings in existing Nursery of Royal Botanic Garden  
including polytunnels, glasshouses, vehicle storage shed,  
staff facilities building and ancillary buildings, alterations to  
entrance gates and associated external works.**

<b>Item number</b>	5.1
<b>Report number</b>	
<b>Wards</b>	A05 - Inverleith

### Links

<a href="#">Policies and guidance for this application</a>	LPC, CITD1, CITD3, CITD4, CITD5, CITD6, CITE3, CITE5, CITE6, CITE9, CITE12, CITE16, CITE17, CITE18, CITOS1, CITH8, NSG, CRPINV, NSLBCA, NSGD02,
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# Executive summary

## **Application for Planning Permission 13/00723/FUL At Royal Botanic Nursery, Inverleith Avenue South, Edinburgh**

**New buildings in existing Nursery of Royal Botanic Garden including polytunnels, glasshouses, vehicle storage shed, staff facilities building and ancillary buildings, alterations to entrance gates and associated external works.**

### **Outcome of previous Committee**

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This application was previously considered by Committee on 14.08.2013

The application was considered, by way of a hearing, by the Committee on 14 August 2013 (after being continued on 3 July 2013 for a hearing). Committee recommended that a mixed decision should be issued with the vehicle shed, its associated hardstanding and external works and the external lighting 6 metre lamp posts refused alongside a condition restricting the height of the proposed boiler flue from 2 metres to 60 centimetres above the roof level of the plant room.

Additional informatives regarding the maintenance of the unadopted road and measures limiting lighting within the glasshouses were agreed.

All other elements of the proposal are recommended to be granted, subject to conditions.

Full details and the suggested reasons for refusal can be found in the Addendum to Assessment at the end of Section 2 of the report.

### **Summary**

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The site is a long established nursery and the proposed buildings and structures are ones which are appropriate to the site.

The proposed buildings are largely functional ones to meet specific requirements and this is reflected in their design and materials. The proposed development will not have an unreasonable impact on the amenity of the adjacent properties.

The proposed structures are largely hidden from public view, though are visible from the rear of the residential properties and tree screening is proposed. There is also the view south along Inverleith Avenue which will be changed by the inclusion of a greenhouse but this is in keeping with the rest of the nursery site and retains the

general openness. The proposal will mean some localised changes to the nursery but in overall terms will not negatively impact on the character appearance of the conservation area.

The listed buildings along Inverleith Row will be largely unaffected by the proposed development. The proposed glasshouse, and to a lesser extent the vehicle storage building, will have some impact on the views from the rear of the property but these are not taken as being essential to their character and mitigation in the form of plant screening is proposed.

The development is acceptable subject to conditions.

## **Recommendations**

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It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

## **Financial impact**

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There are no financial implications to the Council.

## **Equalities impact**

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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**

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

## **Consultation and engagement**

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### **Pre-Application Process**

In accordance with the Planning etc (Scotland) Act 2006, a Proposal of Application Notice was submitted and registered on 28 November 2012. Copies of the notice were also issued to:

- Councillor Lesley Hinds
- Councillor Iain Whyte
- Councillor Nigel Bagshaw
- Councillor Gavin Barrie
- Stockbridge/Inverleith Community Council
- The Librarian, Stockbridge Library
- Inverleith Neighbourhood Partnership.

A public exhibition was held at the reception area at 20A Inverleith Row from 13 - 14 December 2012 between 09:00 and 17:00.

Due to a number of comments received, a second exhibition was then held, and advertised accordingly, from Saturday 9 to Sunday 24 February 2013 in the John Hope Gateway at the West Gate of the main garden, which is open 10:00 to 17:00 seven days a week. In addition, the John Hope Gateway was kept open later on Wednesday 13 and Tuesday 19 February for manned sessions from 16:00 to 19:00.

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.

A pre-application report on the proposals was presented to the Committee on 16 January 2013. The Committee noted the key issues and requested that drainage proposals should be included in the planning application.

### **Publicity summary of representations and Community Council comments**

The proposal was advertised on 22 March 2013 and attracted 40 representations. This included comments from the Inverleith Society, a local residents group, Malcolm Chisholm MSP and the Stockbridge and Inverleith Community Council.

Material representations:

- Principle - intensification, loss of open space;
- Transport - parking, increase in traffic;
- Drainage and surface run-off;
- Amenity - lighting, noise, outlook;
- Design, scale and layout - lack of design concept, layout, design, height, materials, location of chimney, overlooking;
- Conservation Area - proposal unsuitable in the Conservation Area;
- Listed buildings - impact on setting of listed buildings;
- Landscaping - lack of landscaping scheme and specification, perimeter planting should be provided;
- Air Quality;
- Sustainability;
- Ecology and wildlife impact; and
- Adequacy of the community consultation.

Non-material representations:

- Views from houses;
- Maintenance of the road; and
- Impacts during the construction stage

### **Stockbridge and Inverleith Community Council**

The community council objects to the planning application on a number of points.

- Development is contrary to local plan policy Env 6 Conservation Areas: Development and policy Des 1 Design Quality and Context.
- The vehicle shed is too large, utilitarian and will affect neighbours' outlook.

- The staff facility building is close to 18 Inverleith Avenue South and will result in the loss of a valued birch tree which is contrary to policy. The building should be relocated.
- The main glasshouse at 5.5m high will be highly visible to the surrounding housing and is placed in a very prominent high position. A compromise should be struck between a more central location and optimum growing conditions within the site.
- Lighting should be controlled by condition.
- Buildings should be rearranged on the site to mitigate impact.

The community council comments are reproduced in full at Appendix 1.

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

### **Background reading / external references**

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- **To view details of the application go to**
- [Planning and Building Standards online services](#)

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### **New buildings in existing Nursery of Royal Botanic Garden including polytunnels, glasshouses, vehicle storage shed, staff facilities building and ancillary buildings, alterations to entrance gates and associated external works.**

#### **1. Background**

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##### **1.1 Site description**

The site is the annexe to the Royal Botanic Gardens, used as the plant and tree nursery. It is an area of land characterised by greenhouses and polytunnels for plant growing. Site levels rise gently from south to north.

It is bounded on three sides by residential properties fronting Inverleith Gardens, Inverleith Avenue, Montagu Terrace (Inverleith Row) and Inverleith Avenue South.

To the north are the residential properties on Inverleith Gardens. Numbers 22 and 23 are C listed (ref 29146, listed 29/04/1997) and 9-21 B listed (ref 2915, listed 29/04/1977). Inverleith Avenue is to the north east which leads to some garages and a modern residential property. Further to the north/east is a tenement block.

East of the site is the B listed St James Church on Inverleith Row (ref 27394, listed 27/10/1965). There are also a number of residential properties on Inverleith Row to the east of the site which are also listed; 50, 51 Inverleith Row are C listed (ref 29180, listed 29/04/1977); 52, 53 Inverleith Row are B listed (ref 29181, listed 27/10/1965); 54, 54 Inverleith Row are C listed (ref 29812, listed 29/04/1977); and 56, 57 Inverleith Row are B listed (ref 29183, listed 27/10/1965). The semi-detached villa at 46,47 Inverleith Row is also C listed (ref 29179, listed 29/04/1997).

To the west is the Edinburgh Academy primary school campus.

The site is accessed from the end of Inverleith Avenue South, which is an unadopted road.

This property is located within the Inverleith Conservation Area.

##### **1.2 Site History**

The relevant site history is:

12 March 2008 - planning permission granted for the conversion of an existing building to accommodate meeting / office area, changing area, kitchen and upgraded WCs (planning reference 08/00348/FUL).

13 June 2008 - planning permission granted for the erection of one shade hall and one polytunnel (planning reference 08/01012/FUL).

12 June 2008 - planning permission was granted (in retrospect) for the provision of two areas of hardcore for car parking with lighting and screen planting (planning reference 07/01559/FUL).

11 December 2012 - withdrawn application to erect 6 polytunnels, 2 mesh tunnels and wind break and alter vehicle access paths (planning reference 12/03785/FUL).

25 January 2013 - withdrawn application to erect new vehicle storage building, glasshouse, quarantine building, welfare building and associated plant room, fuel store and diesel tanks. Alter vehicle access gates to site, vehicle access paths and associated hard and soft landscaping (planning reference 12/04134/FUL).

12 March 2013 - associated conservation area consent submitted for the demolition of structures on site (planning reference 13/00724/CON).

## **2. Main report**

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### **2.1 Description Of The Proposal**

In the short term the proposed development is to provide space for the plants currently held within the north-east corner of the main Botanic Garden while the north-east corner is being redeveloped. In the long term it is to provide enhanced facilities within the nursery.

The proposal comprises a number of elements:

#### **New Staff facility**

To the east of the entrance a new staff facility building is proposed. This is a single storey building measuring 4.5m at its highest point, and is 8.5m wide by 26m long. It has low monopitch roof which incorporates roof lights and photovoltaic panels. The primary material is horizontal fibre cement board and timber windows. Planting is proposed along the southern boundary.

#### **Isolation house and extended glasshouses**

At the centre of the site is an existing shed, small glasshouses and shade tunnels. It is proposed to remove one of the small glasshouses and two shade tunnels. The proposal is to erect two new glasshouses and an isolation house in their place.

#### **Polytunnels and mesh tunnels**

To the west of the isolation house four polytunnels and two mesh tunnels are proposed, with a 2.5m high windbreak further west. The proposed tunnels have a footprint of approximately 8m x 25m, with a ridge height of 3.66m.

### Main Glasshouse

At the northeast of the site is the proposed, main glasshouse. It is initially required to provide space for decanting of the tropical research plant collection from the north-east corner of the main Botanic gardens while it is redeveloped. The building will also provide additional growing space and incorporates a potting shed. It is 5.5m high, with a further gantry, and is 54m long by 22.5m wide.

An area of planting is proposed to the north of the glasshouse, adjacent to the boundary with the residential properties to the north.

Adjacent to this is a small plant room measuring 19 sqm with a 5.5m high flue. The primary material is blue / grey facing brick

### Vehicle Storage Building

At the northwestern part of the site, next to the school boundary, a vehicle shed is proposed. This is a rectangular building, measuring 7m at its highest (6m to the eaves) and is approximately 12m wide and 60m long.

The building includes a green sedum roof and the main material proposed for the elevations is a fibre cement board in a range of greys and greens. There are also rooflights and photovoltaic panels in the roof with aluminium flashes. The building has large garage style doors.

The building is to be screened by a new line of trees to the north of the building and there is an area of new hardstanding to the east.

The proposal also contains a widening of the current entrance gates, new meter boxes, hardstanding to replace the existing carparking areas and lights throughout the site.

Separate conservation area consent has been applied for to remove some existing polytunnels and a glasshouse (planning reference 13/00724/CON).

Access to the site is as existing from Inverleith Avenue South, which is an unadopted road.

### Scheme 1

Largely the same as the amended scheme 2. Changes include a redesign of the original vehicle storage building from the original metal clad building and further landscaping information.

The applicant has submitted a pre-application consultation report, a design and access statement, a sustainability appraisal, a drainage report, a geo-environmental & geotechnical report and an ecology report. These documents can be viewed on the Planning and Building Standards Online Service.

## 2.2 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.

Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of consent. 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?

### **2.3 Assessment**

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

- a) the principle of development is acceptable;
- b) the proposals are acceptable in terms of the impact on the conservation area and views;
- c) the proposals are acceptable in terms of the impact on listed buildings
- d) the proposals provide a development of appropriate design quality, scale and height;
- e) the proposals provide an acceptable level of amenity;
- f) the proposals are acceptable in relation to transport matters and air quality;
- g) there are other material considerations;
- h) any impacts on equalities or human rights are acceptable; and
- i) comments raised have been addressed.

#### **a) Principle**

The proposal forms an essential part of the wider proposals by the Royal Botanic Gardens Edinburgh (RBGE) to enable the redevelopment of the north-east corner of the main RBGE site. The applicant indicates that this is part of the process to maintain its world-class reputation in plant sciences and conservation. The proximity of the site to the main gardens is an important factor. The status of the RBGE and its requirements to develop and enhance itself is a material consideration.

The site is an established nursery, and historic plans show it labelled as a nursery with an associated grouping of buildings back to 1851, with the City Archaeologist noting that the land has formed part of the nursery grounds for the Royal Botanic Gardens since the start of the 1830s. The residential areas have developed around it.

The proposed development consisting mainly of staff facilities, glasshouses, polytunnels and a vehicle storage building are ones that are consistent with the current nursery use and in general terms are acceptable at this location.

The site is designated as open space with the Edinburgh City Local Plan (ECLP). The land has been audited as 'other open space' in the Open Space Audit 2009. This is one

of four areas of open space within the audit that did not fall into one of the PAN 65 Open Space typologies when the audit was undertaken.

ECLP Policy Os 1 Open Space Protection sets out the approach for assessing development which results in the loss of open space.

This policy states that proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) there will be no significant impact on the quality or character of the local environment;
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value; and either
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space; or
- e) the development is for a community purpose and the benefits to the local community outweigh the loss.

The open space is private and inaccessible to the public. Approximately 6,500 sqm of open space is proposed to be developed. The open space strategy contains standards in relation to access to large and local greenspace of certain quality. The nursery site does not form part of these standards. Access to large areas of open space is largely catered for by Inverleith Park (which is subject to an open space improvement action) and the Botanic Garden itself in this part of the city.

The site does not form part of the networked open space as shown in the open space strategy and implications in relation to ecology and wildlife are considered in section 2.3g).

Criteria d) and e) are difficult to apply in this instance. It would be hard to envisage how alternative nursery space could be provided, whilst the development is not for a community use. Although on this last point, the development is viewed as an essential part of the proposals to upgrade and improve the glasshouses and facilities in the main RBGE site. This would improve general public access to a certain degree and would have wider community benefits.

The proposed development is consistent with the current use of the site and is acceptable in principle subject to considerations in relation to the impact on the quality and character of the local environment which is considered in the assessment below.

#### b) Conservation area

The site is located in Inverleith Conservation Area and the character appraisal identifies key characteristics which must be respected. The management plan sets out how the character of the conservation area will be retained and enhanced in any future use, alteration or repair.

*Inverleith developed as a Georgian suburb of villas and terraces to the north of the New Town. Blocks of public and private open space bounded by areas of housing form the*

*essential elements of character, with key views southwards towards the city skyline. The open spaces in the area vary greatly in their character, function and ownership.*

*Architecturally, the character is dominated by rows of Georgian, Victorian and Edwardian Villas and terraces. The area has high quality stone built architecture of restricted height, generous scale and fine proportions. Traditional materials provide unity. A wide variety of architectural forms and styles contribute to the overall character.*

*New development should reinforce and protect the setting of individual buildings, the special character of the area and protect key views. The relevant essential character in terms of natural heritage are the mature landscape structure with large scale trees in gardens and open spaces, with a high proportion of open spaces to the built environment. The identity and landscape quality of the open spaces should be maintained and enhanced where possible.*

#### Character

The nursery site itself is not singled out in the character appraisal. As set out in section 2.3a) the loss of open space is reliant on the assessment of the impact on the quality and character of the local environment.

The immediate character of the site itself is one of a nursery that already contains glasshouses and similar structures for growing and nurturing plants. It is different to the residential areas that are to the north, east and south.

The proposed polytunnels located at the centre of the site will have limited impact on the character of the area in terms of open space. The proposed staff facility, smaller glasshouses and the isolation tunnel are generally on areas of hardstanding or replace existing structures.

The main areas of open space to be developed are where the vehicle storage building (and associated hardstanding) and the main glasshouse are proposed. The buildings, albeit larger than what already exists on the site, sit lower than the surrounding three storey residential properties.

The proposal also contains areas of landscaping to shield the proposed buildings and break up their outlines, whilst a green sedum roof is proposed on the vehicle storage building. The planting will aid in softening the proposed buildings. Planting is noted as being part of the character of the conservation area. The impact on the quality or character of the local environment is not considered significant.

Architecturally, the design and materials proposed are largely driven by their functionality. Glasshouses, mesh tunnels and polytunnels understandably need to be constructed from certain materials. These types of buildings are expected to be found on a well established nursery site linked to the Botanic Gardens. This particular part of the conservation area is already characterised by this type of structure and they are appropriate in this context.

#### Appearance

The nursery site, although visible from the surrounding dwellings and the adjacent playing field is well concealed from public areas. The character appraisal identifies that

part of the spatial character is the key views from Ferry Road looking south back towards the city. The proposal has no impact on these key views.

Visualisations have been provided showing the potential effect of the proposals on views from Inverleith Avenue and Inverleith Avenue South.

These show that the main glasshouse will be visible looking south from Inverleith Avenue. The glasshouse will obscure the current view to the Pentland hills, but not of Edinburgh Castle. The glasshouse is a lightweight building, does not dominate nor impact on the overall openness along this unprotected view.

The tops of an existing glasshouse and shade tunnel are currently visible from the junction of Inverleith Avenue South and Inverleith Place. The shade tunnel is to be replaced by another glasshouse but the view remains largely unchanged.

The new staff facility building is lower than the nearby residential properties and set in the corner of the site. It will be largely unseen until close up to it. The building is modern in design and appropriately reflects its functional purpose.

The proposal includes the loss of the existing birch tree which is adjacent to the site entrance and objections have been received in relation to its loss. Local Plan Policy Env 12 protects existing trees and states that development will not be permitted if likely to have a damaging impact on trees worthy of protection, unless for good arboricultural reasons.

The removal of the tree, which is visible from Inverleith Avenue South, is required to enable the development of the new staff facility building. Policy Env 12 goes on to state that where consent is granted, replacement planting will be required to offset the loss. In this instance a replacement birch tree has been proposed on a more prominent forward position. The loss of the tree is not considered an overriding factor.

The proposed structures are largely hidden from public view, though are visible from the rear of the residential properties and tree screening is proposed. There is also the view south along Inverleith Avenue which will be changed by the inclusion of a glasshouse, but this is in keeping with the rest of the nursery site and retains the general openness. The proposal will mean some localised changes to the nursery, but in overall terms will not negatively impact on the character or appearance of the conservation area.

#### c) Listed buildings

There are a number of listed buildings next to the site. Representations have been made in relation to the impact the proposed development would have on the setting of the listed buildings, stressing that setting is much wider than merely the curtilage of a listed building.

To the north, the principal elevations of the properties face onto Inverleith Gardens (Ferry Road) and it is normally taken that this is the primary focus of the buildings which it is designed to overlook. This remains unaltered by the proposals.

Local Plan Policy Env 3 Listed Buildings - Setting states that development within the curtilage or affecting the setting of a listed building will be permitted only if not

detrimental to the appearance or character of the building, or to its setting. The curtilage of a house will normally form part of the setting, but it is also important to consider land immediately adjacent to, or visible from, the listed building.

Normally a private view is not a material planning consideration, but the Historic Scotland guidance (Managing Change in the Historic Environment: Setting) does indicate that the setting can include the view from the listed building. The rear of the buildings on Inverleith Gardens have a view back towards the city skyline including Arthurs Seat and the Edinburgh Castle, and the ground does fall away from the north of the site to the south.

The proposed, main glasshouse is closest to the listed terrace block on Inverleith Garden, specifically numbers 9-17. The indicative cross sections through the site show that this will be generally lower than the existing terraced housing, although it will be visible from some of the gardens and will have some form of immediate impact in terms of what can be viewed from the garden and lower levels of the houses. The wider views out from the upper windows will remain.

However, the glasshouse would not dominate the listed buildings, and given its glass construction would provide a lightweight look, avoiding visual conflict with the neighbouring stone properties.

Open space is retained at the northern central part of the site. The direct view from 18-21 Inverleith Gardens, which overlook a more central part of the site, will remain largely unaltered, although the proposed buildings will be visible.

The vehicle storage building is approximately 30m away from the northern boundary wall at its closest point. The building is a substantial one, though is still lower than the residential properties. The green sedum roof and coloured materials will assist in blending the building in with the surroundings. The nearest residential properties to this proposed building are not listed.

Mitigation has been put forward in the way of screening, which will aid in softening the proposed structures at the north of the site.

Historic maps show that there had been an intention for this area to be developed with an extension to the street pattern. This indicates that historically the main focus of the houses would have been to the north, and it was not necessarily intended that these views from the rear of the properties should have been historically preserved or indeed were part of the original concept.

The listed buildings will still be able to be viewed from within the site and whilst the development will alter the approach, it will not diminish how these listed buildings can be read.

The primary focus of the listed semi-detached villas on Inverleith Row is onto Inverleith Row itself. The proposed replacement glasshouses will have no adverse effect on the setting of these buildings.

The proposed staff facility building is located at a lower part of the site in a corner. The nearest listed building is 50,51 Inverleith Row. This is largely screened by an existing

large tree and will not adversely impact on the setting of the buildings on Inverleith Row. Likewise, the staff facility building will be appropriately well screened from 46, 47 Inverleith Row.

The B listed St James's Church is mainly set away from the site. The southern elevation of the building looks onto the gardens of the adjacent residential properties. It is in the midst of other buildings and the proposed developments will not adversely impact on the setting of this building.

In summary, the primary focus of the listed buildings along Inverleith Row will be largely unaffected by the proposed development. The proposed glasshouse, and to a lesser extent the vehicle storage building, will have some impact on the views from the rear of the properties on Inverleith Gardens but these are not essential to their character and mitigation in the form of screen planting is proposed.

#### d) Design

Local Plan Design policies, Des 1 and Des 3, set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area, with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The majority of the buildings proposed are of a functional nature relating to their use, and the layout has been developed to meet the specific horticultural and operational requirements of the RBGE.

The best area for horticulture has been noted as the middle area, due to its location on the south-facing slope. The proposed polytunnels and mesh tunnels are located at this point, with the adjacent area left open for plant growing. They are screened from the east by the existing hedge and from the west by a proposed mesh windbreak.

The structures that replace the existing ones will be slightly higher. However, these are based on a standardised system, and are appropriate for their function and the existing buildings that they will adjoin.

The height of the main glasshouse is required to provide temperature and humidity control, which the RBGE note is critical. It has been reduced from the original 6.7m at the pre-application stage to 5.5m. Like the other growing buildings proposed, it is a glasshouse based on a standardised design and is functional in its appearance.

The small plant room has a chimney which raises up to 5.5m. This is comparable with the height of the proposed glasshouse. Issues in relation to pollution are considered below in section 2.3e).

The form and height of the vehicle storage building is driven by the RBGE's operational needs. It has been located at the north-west of the site on a flat part of the site. Objectors have suggested that the building should be located at the lower end of the site. This would cause overshadowing for the most horticulturally useful part of the site.

The appearance of the building has been revised from the original steel clad design. The proposed grey and green fibre-cement board cladding will provide unity with the proposed staff facility in terms of materials. The building has also been altered to

incorporate a green sedum roof. The use of the coloured materials and the inclusion of the plant screening to the north will aid in minimising its visual impact.

The staff facility building has been located next to the site entrance, on an area of existing hardstanding, to provide a contact point and some natural surveillance. It is an appropriate part of the site to locate such a building. The roofing material is a dark single ply membrane. The dark materials will aid in minimising any visual impact.

The entrance gates are to be widened and this will have no adverse impact on the character and appearance of the area. New meter boxes are to be discreetly hidden behind the entrance gate.

The Police Architectural Liaison Officer has provided a detailed response on a number of matters which are mostly outwith the scope of planning. This has been passed onto the applicants for their consideration.

The design and layout are based primarily on function and have been designed in a way that meets the RBGEs requirements to enable them to continue and expand their work, whilst taking into account the best parts of the sites for growing. Calls for a masterplan by some objectors would not show any additional information.

Landscaping has been proposed to soften and screen some of the proposed buildings from the surrounding residential properties. In general the inclusion of the proposed landscaping is acceptable. However, further consideration is required for planting at the northern boundary and a condition for further landscaping details is proposed.

Overall, the buildings are primarily designed with a specific function in mind and buildings such as glasshouses, poly and mesh tunnels have to be created from certain materials. The vehicle storage and staff facilities buildings utilise modern materials. The development is appropriate to the nursery surroundings and utilises the land in a way to maximise growing conditions and aid in supporting the wider future development within the main gardens.

#### e) Amenity

Concerns have been raised in relation to the impact of the development on the residential amenity of the nearby properties. Policy Hou 8 sets out that development which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted.

The main glasshouse is, at its closest, 9m away from the northern boundary. The gardens of the residential properties are themselves some 25m in depth. Indicative cross sections through the site show the difference in height from adjacent residential properties. There will also be no impact in terms of daylighting on the nearest windows of the adjacent residential properties. The proposals have been amended to include tree planting to provide screening and break up the outline of the building.

The vehicle storage building is located some 30m away from the northern boundary and approximately 12m from the adjacent school grounds. Additional planting has been added to provide extra screening of the building from the north. There will be no issues in relation to privacy or impacts on daylighting from the proposed building.

The proposed staff facility is approximately 3m away from the southern boundary of the site.

There is an existing fence along this boundary, and the house is approximately 14m away from the proposed building. Planting is proposed to provide further screening. The windows on the boundary side of the staff building will either be screened by the existing fence or the proposed planting. Most of the windows are also at high level to provide light into the building rather than for looking out of.

The proposed development incorporates external lighting throughout the nursery site. The plan has been updated to accurately reflect the proposed layout. Environmental Assessment has considered the proposal in relation to lighting and has no objection subject to a condition limiting the hours of use for the lighting between 7am - 7pm.

Planning conditions must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects. Planning authorities should also avoid imposing conditions through anxiety to guard against every possible contingency, however remote. In considering necessity, the test is whether planning permission would have to be refused if the condition were not imposed. If not, then the condition needs special and precise justification.

The proposed lighting is of a standard street light style for security purposes and to minimise the risk of accidents etc on site. Such a condition would be unreasonable to place on the consent as it would largely defeat the purpose of the proposed lighting. Consequently, the proposed condition should not be attached to the application should it be granted.

Transport also note in their response that the Council acting as Roads 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.

The applicant has also indicated that some evening/night time lighting will on occasion be required for nursery operations (e.g. interior lighting of glasshouses or lighting for plant growth) but overnight lighting will not be a routine occurrence.

Comments have also been made in relation to the potential for noise pollution from the proposals. It is not anticipated that there will be a substantial change to the vehicle numbers or their existing operations within the nursery. The only changes associated with this application are that vehicles will be stored in the nursery shed from the main garden. Environmental Assessment has raised no objection on this issue and has suggested an informative in relation to alternatives to reversing beepers/klaxons.

There is a plant and boiler room proposed adjacent to the proposed main glasshouse. Environmental Assessment has requested a condition in relation to noise complying with NR 25. It is proposed that rather than use a condition which requires future monitoring and a potential unnecessary burden on the Council in perpetuity, that details are submitted prior to construction demonstrating how the plant room complies NR 25. A suitable condition has been recommended.

The location of the diesel storage facility raises no planning concerns. Safety aspects are covered by other legislation - the Water Environment (Oil Storage) (Scotland) Regulations 2006.

The proposed development will have an acceptable impact on the amenity of adjacent properties.

f) Transport and Air Quality

Access to the site is via Inverleith Avenue South. This is an unadopted road over which the Royal Botanic Gardens has a right of access.

As raised by objectors, the road is in a poor state of repair. However, it is the responsibility of the proprietors in the avenue to maintain it.

Issues in relation to damage caused by traffic and heavy vehicles accessing the site and the continued maintenance of the road is a legal matter between the owners and the Trustees of the Royal Botanic Gardens. On this matter it should also be noted that the RBGE has offered to resurface / upgrade the road.

The site already benefits from an existing consent for the car parking areas for approximately 60 spaces (reference 07/01559/FUL). This application seeks to upgrade the surface to a new proprietary gravel system with a stone-filled perimeter drain. When the Development Management Sub-Committee considered the earlier application they requested an informative was placed on the consent encouraging the RBGE to ensure that the highest standards of surface treatment are achieved if the parking areas are repaired/upgraded in the future. The proposed materials are acceptable. It is not anticipated that the proposals will lead to a substantial increase in vehicle activity with the applicant indicating that the existing car parking areas are not currently fully utilised at present.

Transport has raised no objections to the application.

Air Quality

Inverleith Row at its junction with Ferry Road has recently been declared an Air Quality Management Area due to localised nitrogen dioxide exceedences.

As above, the applicant has confirmed that there is unlikely to be an increase in traffic to the site. Therefore no Air Quality Impact Assessment was required and any impact from any vehicle movements will be minimal.

A new plant room is proposed on site which will house a gas fired heating plant with oil fired boilers as back-up. The plant room and associated chimney is approximately 20m away from the site boundary and 40m from the nearest residential building.

Objectors have indicated that the RBGE should incorporate the use of biomass into the proposals. The city is a smoke free area and the use of biomass is generally not supported.

Environmental Assessment has considered the application and is satisfied that the location of the chimney will ensure that any fumes will not impact upon the amenity of

any nearby residential properties. Environmental Assessment has raised no concerns on air quality grounds.

The proposal is acceptable in terms of transport implications and air quality.

g) Other Material Considerations

Flooding and Drainage

A drainage report has been submitted in support of the application. Confirmation has been provided from Scottish Water that the surface water flow can discharge into the combined sewer. As the surface water flows are discharging to a combined sewer, SUDs are not a statutory requirement. However, the proposals are reducing the surface water flow rate to the combined sewer from 11.49 litres per second to 5 litres per second and provides attenuation (stormcell units) for a 1 in 30 year storm event.

SEPA and Flood Prevention have raised no objections to the proposal and the drainage arrangements for the site are considered acceptable.

Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of Part A of the Edinburgh Standards for Sustainable Buildings.

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	30	30
Total points	80	80

The proposal meets the essential criteria. In addition the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. Additional measures include the re-use of water, the inclusion of a green roof and the use of sustainable timber.

Ecology

An Ecology Assessment has been provided in support of the application. The site is not in an area specifically designated or safeguarded for wildlife. The assessment notes that the habitat structure of the land is of limited value with the land being productive and highly disturbed with low ecological value. It indicates that the only anticipated species on the site were likely to be badgers or bats.

In relation to badgers, records indicated the presence of badgers within 200m of the site and several records within 700m. An objection has been received stating that badgers have been sighted in the garden of an adjacent residential property. However,

the ecology report indicates that there is no evidence found of badgers within the nursery itself, stating that the site is secure.

The land was also surveyed for evidence of bats. Surveys for bat habitat and evidence can generally be undertaken year round. If there was the likelihood that bats are present, and the proposed development would affect them, then survey work outside the hibernation period would be required. No bat roost opportunities were identified on the land to be developed. The ecology report also considered it unlikely that the land is used for foraging because there are negligible resources on the land and extensive resources locally.

The Ecology report has confirmed there are no biodiversity issues relating to loss of habitat or impact on protected species. The information submitted is considered acceptable.

#### Environmental Impact Assessment

The proposal was screened to determine if an Environmental Impact Assessment would be required. It was considered that there was unlikely to be significant environmental impact arising from this proposal.

#### Pre-application consultation

The pre-application consultation was carried out in line with the statutory minimum requirements. At the time a number of residents raised concerns regarding the consultation and the applicants decided to hold a further exhibition to enable further comments to be made. The applicants have exceeded the pre-application consultation requirements.

#### Archaeology

The City Archaeologist has considered the application and notes that historic maps show the site as forming parts of the nursery grounds for the Royal Botanic Gardens since the start of the 1830s. Prior to this the site formed part of the lands associated with Inverleith House built in the 1770s on the site of an earlier medieval estate.

Consequently, there is the potential for some archaeological remains though this has been assessed as being of low to moderate archaeological impact. A condition is recommended to ensure a programme of archaeological works is undertaken prior to construction.

#### h) Equality and Rights Impacts

An Equality and Human Rights Impact Assessment Summary is available to view on Planning and Building Standards online services. No actions or impacts have been identified.

The proposals contain wheelchair accessible changing and toilet facilities in the staff facility building and wheelchair accessible toilets in the vehicle storage building.

#### i) Public Comments

The proposal was advertised on 22 March 2013 and attracted 40 representations. This included comments from the Inverleith Society, a local residents group, Malcolm Chisholm MSP and the Stockbridge and Inverleith Community Council.

Issues of principle (addressed in section 2.3a);

- site is increasingly industrial in nature and proposals will result in it no longer being a nursery.
- proposals will result in the loss of open space.

Conservation area issues (addressed in section 2.3b);

- Unsuitable development in a conservation area. Development should preserve or enhance the character or appearance of the conservation area.
- Contrary to the Inverleith Conservation Management Plan.
- Inverleith Conservation Area Appraisal highlights the importance of the historic villa area characterised by high quality properties. The proposals do not fit with this and fail to meet spatial characteristics of the Conservation Area.
- Development is industrial in design and not appropriate to the conservation area and adjacent listed buildings.
- No proper conservation area appraisal has been provided.
- Design and materials are not in keeping with the conservation area and traditional materials of stone and slate should be used.
- Proposal will impact on public view from Inverleith Avenue.
- Sloping site results in buildings being visible from Inverleith Avenue South.
- Proposal would also obscure views to Inverleith Gardens from the castle and the World Heritage Site.
- The tree to be removed to make way for the staff facility building is of value and importance to the street scene and should be retained.

Listed building issues (addressed in section 2.3c);

- Development will be detrimental to the setting of the adjacent listed buildings.
- Edinburgh Planning guidance states new development must not damage views of or from listed buildings.
- Development outwith the curtilage of a listed building can be regarded as affecting its setting.
- Lack of information showing relationship of proposal with listed buildings.

Design issues (addressed in section 2.3d);

- A masterplan should be provided. Proposals seem ad hoc with no overall design concept.
- Layout does not make the most efficient use of the land.
- Buildings should be located away from the North and North East Boundaries.
- The topography and site size allows for development to be minimised within the site and buildings should be located at a lower or central part of the site
- Proposed development in terms of outlook, layout and appearance is incompatible with adjacent residential use.
- Height of buildings should be reduced.
- Impact on immediate outlook from neighbouring houses.
- Proposed buildings are off the shelf and lack any design consideration.
- Horticulture and operational needs and cost should not override the need for design quality.
- Inconsistencies of plans showing different locations of the plant room (layout and lighting plan overlay).
- Chimney should be located further away from the garden boundaries.
- Diesel storage facility so close to the school boundary is a safety concern.
- A 3D model should be provided.

#### Glasshouse

- Large building will dominate the area and is too close to residential properties. Should be moved further south to reduce impact.
- Building will lead to a loss of natural light in the rear gardens of the adjacent houses.
- No evidence to support the claim that the building has to be 5.5m high for better control of temperature and humidity.
- It is inefficient for its intended purpose. Included potting shed could be much smaller and there is no requirement for a central passage.

#### Vehicle Storage shed

- Industrial in use and design.
- Height should be reduced, query the type of vehicle requires the proposed building height.
- The need for such a facility
- Colour and materials used should be selected to mitigate its visual impact.

#### Staff facility building

- Proposed building is close to 18 Inverleith Avenue South.
- Height at 4.5m is too high and twice the height of the boundary fence and with a change in levels will detrimentally impact on amenity of adjacent house.
- Windows will look directly onto the adjacent house and garden.
- Design is not in keeping with the conservation area.
- Alternative location should be found such as extending the existing building.

#### Amenity issues (addressed in section 2.3e);

- Additional activity will result in noise.
- Impact of development (large buildings) on adjacent residential properties.
- Impact of lighting which is 6m high and low level lights would be more acceptable.
- Restricted times for lighting from the previous application should be adhered to.
- Existing problems from motion sensors for lighting at night from animals.
- Lighting of large glasshouse will impact on amenity.

#### Landscaping issues (addressed in section 2.3d);

- A comprehensive landscaping scheme is required.
- Lack of specification for new planting.
- Perimeter planting along the northern boundary should be provided to screen and reduce the impact of the proposed structures.

#### Transport issues (addressed in section 2.3f);

- Proposals will result in an increase in traffic and further detrimental impact on road surface.
- Currently excessive levels of parking.

#### Drainage issues (addressed in section 2.3g);

- Drainage arrangements are unacceptable at present and surface run-off floods onto the road and adjacent residential gardens. The proposal will exacerbate this and a permanent solution is required.
- Excessive hard standing will impact on drainage.

#### Air Quality issues (addressed in section 2.3g);

- Chimney and increase in traffic are likely to increase air pollution. Junction at Goldenacre has recently been designated as an Air Quality Management Area.

EIA issues (addressed in section 2.3g);

- EIA should have been provided

Sustainability issues (addressed in section 2.3g);

- Proposals should not include use of gas and oil heating. More sustainable energy should be utilised.

Ecology issues (addressed in section 2.3g);

- Ecology report is deficient.

- Query the legitimacy of the ecological report. Badgers have been seen in adjacent residential gardens.

- Bat report flawed as survey carried out during a period of bats' hibernation.

- Potential impact on wildlife.

Community Consultation (addressed in section 2.3g);

- Inadequate pre-application consultation.

Non-material representations

- Proposals will impact on views from neighbouring houses.

- Maintenance of the road.

- Impacts during the construction stage.

## CONCLUSIONS

The site is a long established nursery, and the proposed buildings and structures are ones which are appropriate to the site.

The buildings are functional, to meet specific requirements, and this is reflected in their design and materials. The proposed development will not have an unacceptable impact on the amenity of the adjacent properties.

The proposed structures are largely hidden from public view, though are visible from the rear of the residential properties and tree screening is proposed. There is also the view south along Inverleith Avenue which will be changed by the inclusion of a greenhouse, but this is in keeping with the rest of the nursery site and retains the general openness. The proposal will mean some localised changes to the nursery but in overall terms will not negatively impact on the character appearance of the conservation area.

The listed buildings along Inverleith Row will be largely unaffected by the proposed development. The proposed glasshouse, and to a lesser extent the vehicle storage building, will have some impact on the views from the rear of the property, but these are not taken as being essential to their character and mitigation in the form of plant screening is proposed.

The development is acceptable subject to conditions.

## **Addendum to Assessment**

The application was continued for it to be considered by way of a hearing on 14 August 2013.

Prior to the application being considered at the hearing (and during the course of the hearing) the applicant had indicated that certain elements of the proposal are no longer a priority and that the application should proceed with those elements being deleted.

Specifically, the three elements are:

- the deletion of the Vehicle Shed, its associated hardstanding and external works;
- the deletion of all the external lighting 6 metre lamp posts; and
- the reduction of the boiler flue from 2 metres to 60 centimetres above the roof level of the plant room.

Committee resolved to issue a 'mixed decision' which would result in the refusal of the proposed vehicle shed, its associated hardstanding and external works in the north-west corner of the site and the deletion of the all the external lighting 6 metre lamp posts. It was also decided to restrict the boiler flue from 2 metres to 60 centimetres above the roof level of the plant room.

The following reasons for refusal are proposed:

- The proposal is contrary to Edinburgh City Local Plan Policy Des 3 in respect of Development Design criterion a), as the vehicle shed will not have a positive impact due to its scale and design.
- The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as the vehicle shed will have an adverse effect on the character of the conservation area.
- The proposed external lighting is contrary to Edinburgh City Local Plan Des 3 Development Design criterion c) as it will have a detrimental effect on the residential amenity of adjoining residents.

A condition restricting the height of the boiler flue is proposed:

- The plant room boiler flue shall be restricted in height to 60 centimetres above the roof level of the plant room.
- Reason - In order to safeguard the amenity of neighbouring residents

The remaining elements of the scheme are recommended to be granted, subject to conditions.

A further two informatives are also proposed:

- The applicant should endeavour to restrict the internal lighting of the proposed northern glasshouse for use between the hours of 07:00 and 19:00.
- The applicant should reach agreement with adjoining residents on the maintenance of Inverleith Avenue South.

## **3. Recommendations**

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

### **3.2 Conditions/reasons**

1. 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.
2. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Head of Planning and Building Standards.
3. Before the development hereby permitted starts, a full planting species specification, landscaping management and maintenance scheme in respect of the landscaping scheme shall be submitted to, and approved in writing by the Head of Planning and Building Standards.
4. Prior to the commencement of construction works on site, details demonstrating that the noise from the associated plant and boiler room complies with NR 25 shall be submitted for written approval by the Head of Planning and Building Standards.

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure the adequacy of external building materials.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to protect the privacy of adjoining neighbours.

#### **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 development shall be carried out in accordance with the measures identified in the approved Sustainability Statement Form. The applicant should submit a Self Declaration Form to the Head of Planning and Strategy on completion and prior to occupation unless otherwise agreed.

5. Where fitted to vehicles in control of the site operator, reversing safety alarms shall be of the white noise type (i.e. broad spectrum). Klaxon or beeper type reversing safety alarms should not be used.

6. The City of Edinburgh Council acting as Roads 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.

**Statutory Development**

<b>Plan Provision</b>	The site is located within the Urban Area as shown on the Edinburgh City Local Plan Proposals Map. The site is designated as open space and is also within the Inverleith Conservation Area.
<b>Date registered</b>	12 March 2013
<b>Drawing numbers/Scheme</b>	01 - 04, 05A, 06 - 11, 14 - 16, 18A,  Scheme 2

**David R. Leslie**

Acting Head of Planning and Building Standards

## Links - Policies

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### **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 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 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 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 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 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.

## **Relevant Non-Statutory Guidelines**

**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.

**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.

# Appendix 1

## Consultations

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### Archaeology comment 19/03/2013

*Since probably the start of the 1830's this site has formed part of the nursery grounds for the Royal Botanic Gardens. The 1850's 1st Edition OS map shows a formal layout of rows of rectangular beds with a central range of stone buildings. Prior to this, the area formed part of the lands associated with Inverleith House built in the 1770's on the site of a medieval estate centre dating back to at least the early 12th century.*

*Accordingly this site has been identified as occurring 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 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.*

*It is considered that this proposal given the recent development history would be regarded as having a potential low- moderate archaeological impact. Ground-breaking works associated with construction of the new development could not only disturb evidence for the development of these nurseries but also as the site has remained relatively undeveloped could disturb earlier archaeological remains associated with the medieval estate. Accordingly it is essential that a programme of archaeological work is undertaken. The first phase of this programme will be the undertaking of an archaeological evaluation up to a maximum of 10% of the site prior to construction. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains prior to construction commencing.*

*Accordingly it is recommended that the following condition be attached consent, if granted, to ensure that a programme of archaeological works is undertaken prior to construction in order to excavate, record and analysis any significant archaeological deposits that may be uncovered.*

*'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 comment 26/03/2013**

*We have no objections to the application.*

*Note:*

- 1. The City of Edinburgh Council acting as Roads 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. Inverleith Avenue South is not included in the Council's List of Public Roads.*

### **Environmental Assessment comment 27/03/2013**

*The application proposes new buildings within an existing botanical nursery. The site is surrounded by residential properties to the north, south and east. Playing fields are situated to the west. The site is entered from Inverleith Avenue South which branches off Inverleith Place.*

*External lighting is proposed for all roads and parking areas within the nursery and will be utilised on dark mornings and evenings. The hours of operation of the nursery will mainly be from 7.30am to 4pm Monday to Friday and so it is envisaged that external lighting will generally not be required outwith these hours. The agent for the application has confirmed that some evening/night time lighting will on occasion be required for nursery operations (e.g. interior lighting of glasshouses or lighting for plant growth) but overnight lighting will not be a routine occurrence. Existing application for the site 07/01559/FUL included a condition which restricted the external lighting on site to between the hours of 7am- 7pm. In the interests of consistency and to protect surrounding residential amenity from lighting glare or spillage, it is recommended that the same condition be applied in this case.*

*The application proposes to site a vehicle storage shed to the north-west side of the nursery. The shed will be used to safely house vehicles which are operational on site. The agent has confirmed that existing nursery operations utilise three tractors, one JCB, two small utility vehicles and one van. In addition, the agent has confirmed that there is no intention to change the vehicle numbers or their existing operations within the nursery. The only changes associated with this application is that vehicles will be stored in the nursery shed overnight and maintenance will occur within the new building overnight. Generally, vehicles are likely to be driven out of the nursery in the morning and back at the end of the working day. Therefore, this application is unlikely to considerably intensify vehicular use on site and it may therefore be unreasonable to recommend a condition which requires reversing safety alarms of a non beeper or klaxon type (e.g. broad spectrum noise). However, such reversing alarms can be disturbing and the site, which is situated to the rear and enclosed by many residential properties, is quiet. In this regard, an informative is shown below which recommends that the applicant does not use klaxon or beeper type reversing safety alarms.*

*The vehicle maintenance is proposed to occur within the storage shed and during daytime only. It is therefore envisaged that noise from such maintenance operations is unlikely to significantly impact upon nearby residential amenity.*

*A new plant room is proposed on site which will house a gas fired heating plant with oil fired boilers as back-up. The agent has confirmed that the plant room and associated chimney will be around 40 metres from the nearest residential property and the oil fired back-up system will be checked on a monthly basis. The considerable distance to the nearest residential property should ensure that fumes do not impact upon the amenity of any nearby residential properties. A condition is recommended which ensures that noise from the plant is within acceptable limits within the nearest residential property.*

*Staff facilities are provided to the east of the nursery grounds which will include basic kitchen and welfare facilities. The agent has confirmed that cooking will be at a basic level by staff and no amenity issues are expected to stem from the use of these premises.*

*Therefore, Environmental Assessment has no objections to this proposed development subject to the following conditions and informative:*

*The design, installation and operation 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.*

*The lighting shall only operate between the hours of 7am-7pm to the satisfaction of the Head of Planning and Strategy.*

#### *Informative*

*Where fitted to vehicles in control of the site operator, reversing safety alarms shall be of the white noise type (i.e. broad spectrum). Klaxon or beeper type reversing safety alarms should not be used.*

#### *Addendum*

*As stated above, Environmental Assessment has no objections to the approval of the application subject to the recommended conditions being attached to any consent.*

*NB. However, should all of the above conditions not be applied to any consent, Environmental Assessment will require to review the recommendation. In such event, it is imperative that this is notified immediately to the Environmental Assessment case officer.*

#### **Environmental Assessment further comment 10/06/2013**

*The application proposes new buildings within an existing botanical nursery. The site is surrounded by residential properties to the north, south and east. Playing fields are situated to the west. The site is entered from Inverleith Avenue South which branches off Inverleith Place.*

*External lighting is proposed for all roads and parking areas within the nursery and will be utilised on dark mornings and evenings. The hours of operation of the nursery will mainly be from 7.30am to 4pm Monday to Friday and so it is envisaged that external lighting will generally not be required outwith these hours. The agent for the application has confirmed that some evening/night time lighting will on occasion be required for nursery operations (e.g. interior lighting of glasshouses or lighting for plant growth) but overnight lighting will not be a routine occurrence. Existing application for the site 07/01559/FUL included a condition which restricted the external lighting on site to between the hours of 7am- 7pm. In the interests of consistency and to protect surrounding residential amenity from lighting glare or spillage, it is recommended that the same condition be applied in this case.*

*The application proposes to site a vehicle storage shed to the north-west side of the nursery. The shed will be used to safely house vehicles which are operational on site. The agent has confirmed that existing nursery operations utilise three tractors, one JCB, two small utility vehicles and one van. In addition, the agent has confirmed that there is no intention to change the vehicle numbers or their existing operations within the nursery. The only changes associated with this application is that vehicles will be stored in the nursery shed overnight and maintenance will occur within the new building overnight. Generally, vehicles are likely to be driven out of the nursery in the morning and back at the end of the working day. Therefore, this application is unlikely to considerably intensify vehicular use on site and it may therefore be unreasonable to recommend a condition which requires reversing safety alarms of a non beeper or klaxon type (e.g. broad spectrum noise). However, such reversing alarms can be disturbing and the site, which is situated to the rear and enclosed by many residential properties, is quiet. In this regard, an informative is shown below which recommends that the applicant does not use klaxon or beeper type reversing safety alarms.*

*The vehicle maintenance is proposed to occur within the storage shed and during daytime only. It is therefore envisaged that noise from such maintenance operations is unlikely to significantly impact upon nearby residential amenity.*

*A new plant room is proposed on site which will house a gas fired heating plant with oil fired boilers as back-up. The agent has confirmed that the plant room and associated chimney will be around 40 metres from the nearest residential property and the oil fired back-up system will be checked on a monthly basis. The considerable distance to the nearest residential property should ensure that fumes do not impact upon the amenity of any nearby residential properties. A condition is recommended which ensures that noise from the plant is within acceptable limits within the nearest residential property.*

*Staff facilities are provided to the east of the nursery grounds which will include basic kitchen and welfare facilities. The agent has confirmed that cooking will be at a basic level by staff and no amenity issues are expected to stem from the use of these premises.*

*Therefore, Environmental Assessment has no objections to this proposed development subject to the following conditions and informative:*

*The design, installation and operation 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.*

*The external lighting shall only operate between the hours of 7am-7pm to the satisfaction of the Head of Planning and Strategy.*

*Informative*

*Where fitted to vehicles in control of the site operator, reversing safety alarms shall be of the white noise type (i.e. broad spectrum). Klaxon or beeper type reversing safety alarms should not be used.*

*Addendum*

*As stated above, Environmental Assessment has no objections to the approval of the application subject to the recommended conditions being attached to any consent.*

*NB. However, should all of the above conditions not be applied to any consent, Environmental Assessment will require to review the recommendation. In such event, it is imperative that this is notified immediately to the Environmental Assessment case officer.*

**SEPA comment 02/04/2013**

*We have no objection to this planning application. Please note the advice provided below.*

*Advice for the planning authority*

*1. Surface water*

*1.1 We note from section 6.0 of the Drainage Report dated February 2013 that surface water will be discharged to the existing combined sewer. We would highlight that Scottish Water only accepts surface water into a combined system in exceptional circumstances. We would therefore recommend that surface water should instead be discharged through some form of sustainable drainage system (SUDS).*

*1.2 SUDS help to protect water quality, contribute to green networks, reduce potential for flood risk and release capacity in the public sewerage network where the alternative is use of combined systems. Further guidance on the design of SUDS systems and appropriate levels of treatment can be found in CIRIA's C697 manual entitled The SUDS Manual. Advice can also be found in the SEPA Guidance Note Planning advice on sustainable drainage systems (SUDS). Please refer to the SUDS section of our website for details of regulatory requirements for surface water.*

*1.3 While we have no objection to the proposal, we would expect that Scottish Water and the applicant ensure that all reasonable efforts are made to remove surface water from the combined sewer.*

## **Police Scotland comment 02/04/2013**

*This application refers to a number of different facets of business in the Botanic Gardens and each would have a slightly different security considerations.*

*We would recommend that this property should consider Secured by Design standards for the development. A business should be alarmed with a monitored system with confirmation technology, which can have a police response, staff levels permitting.*

*For the office/ changing room facility having entrance doors should be accredited to at least PAS 24 but preferably LPS 1175 SR3, with consideration of having an access control system so that staff entering the building and especially the changing rooms allow monitoring if required, this is important as there are two entry points so that clothing and boots can be dried.*

*Ground floor windows should comply with at least BS7950 with impact tested laminate glass installed, it is unknown if staff have restrictions about personal items that they can take with them and so security of the locker rooms is important.*

*The internal design layout means that the corridor leading to the office and storage room, the staff room and public toilets cannot be seen from points where staff will be serving (natural surveillance).*

*Ideally each office, especially those dealing with cash handling or has a technology hub has a 44mm solid core door, secured with at least one mortise lock to BS 3621:2007 to prevent unwanted persons entering.*

*The vehicle machinery storage/maintenance facility, ensuring that key equipment within the store is well secured and additional employed as required, keys to equipment need to be stored in a locked key cabinet behind a 44mm solid core door with a mortise lock to BS 3621:2007.*

*Potentially one of the most vulnerable parts of the proposal is the diesel tank, it has to be noted that thefts of diesel are increasing from sites and so additional physical security, alarming the tank or use of CCTV may be advisable.*

*Consideration should be given to the security standards that any contractor will have to abide by to prevent theft of tools or materials.*

## **Bridges + Flood Prevention comment 02/04/2013**

*We would like confirmation/more detail that surface water drainage will not flood adjoining land, especially to the south and to the north-west of site. The site discharge to the existing combined sewer requires written confirmation that Scottish Water has given technical approval and will be adopting the surface water sewer system.*

### *Surface Water Management Plan*

*The surface water management plan should deal with flood risk from surface water, ensuring that flood risk elsewhere is not made worse by runoff from the development. The main elements of the surface water management plan should be analysed up to*

the 1;200yr (0.5%AEP) event with an allowance for climate change and include as follows:

#### *Discharge Point*

1. *Discharge point(s) for the drainage system must be identified, and the approval in principle from the owner, or Scottish Water in the case of a sewer, for the discharge to that point must be demonstrated.*
2. *If the drainage system discharges to a watercourse, directly or indirectly, it must be served by SUDS in accordance with the SUDS manual, and SUDS for roads where applicable. The treatment methods must be approved by SEPA. Maximum discharge rates should not exceed 4.5l/s/ha or the 2yr greenfield rate, whichever is the lower. Attenuation volume must be designed for the full capacity of the drainage system.*

#### *Flow Paths*

1. *Surface water should be dealt with by analysing the existing and proposed flow paths and depths for surface water runoff. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system.*
2. *New buildings in the development must not be at risk of flooding as a result of these flow paths and depths*
3. *Where runoff from the site could increase flood risk elsewhere, the increased runoff from paved surfaces, relative to greenfield runoff, (up to the 1;200yr event) should be attenuated on site.*
4. *If the development alters existing flow paths in a way which increases flood risk to existing property, additional attenuation or other measures may be required.*

#### **Stockbridge and Inverleith Community Council comment 12/04/2013**

*A) Appl. No. 13/00723/FUL Royal Botanic Gardens Nursery, Inverleith Ave South*

*New buildings in existing Nursery of Royal Botanic Garden including polytunnels, glasshouses, vehicle storage shed, staff facilities building and ancillary buildings, alterations to entrance gates and associated external works.*

#### *Objection*

*The Stockbridge and Inverleith Community Council as a statutory consultee objects to the above application 13/00723/FUL and application 13/00723/CON. The specific objections are:*

##### *1) Vehicle Storage Shed*

*The vehicle storage shed is too high and badly sited – none of the present RBG vehicles need a shed this high (7m). The Design Access and Sustainability Statement states:*

*'The overall height of the building and vehicle access doors reflect the internal requirements to store and maintain large machinery and will also provide ongoing flexibility for storage of future vehicles and materials'.*

*Given that the height is 7m and that this large utilitarian building will affect the neighbours' outlook, it is not right that the RGB proposes to have the height higher than is necessary just to keep 'ongoing flexibility' for the future and which may never be needed. This height should be reduced and its position relocated. If in future the RGB had a need for greater height the RGB should apply for further planning permission.*

## *2) Staff Facilities Building*

*This building is close to the end house 18 Inverleith Ave South. It may be sited within CEC regulation distances but this neighbour will lose the view of a lovely birch tree to be replaced by a large non-descript building with many over-looking windows. The birch tree which is to be removed is in a Conservation Area and therefore protected by the equivalent status of TPO. This tree is enjoyed by both public and visitors to the RBG alike - and the RBG has many visitors to this site. The tree would be removed to allow the proposed position for the Staff facilities building. Removing this magnificent tree is contrary to:*

*Edinburgh City Local Plan (ECLP) Policy Env 12 – Trees.*

*'Development will not be permitted if likely to have a damaging impact on a tree or trees protected by a Tree Preservation Order or other trees worthy of retention on or around a proposed development site, unless necessary for good arboricultural reasons. Where such consent is granted, replacement planting will be required to offset the loss to amenity'.*

*The Community Council thinks that it is not necessary for this splendid tree to be removed as there is space for this proposed building elsewhere on the site. The Community Council understands why the RGB wishes to have this building near the entrance: 'Its location at the site entrance will improve natural surveillance and it will also serve as a contact point for deliveries etc. The management of this entrance is difficult with the current facilities and this building will be an important addition to the management and security of the site.'*

*An alternative position which would fulfil these requirements is the area behind the leylandii hedge which can be seen through the entrance gates. (A section of hedge would have to be removed towards the left side). The advantage for the RGB is that it would fulfil their stated requirements above even better than that proposed, as it would be the first building to be seen as the site is entered and not tucked to the side. In addition, the RGB would retain their present good relationship with the neighbour that is most affected. It would also preserve a beautiful mature birch tree for the enjoyment of all, including their own staff.*

## *3) Glasshouses*

*This very large building is 5.5m high and will be highly visible to the housing around. It is also placed in a very prominent high position to the north of the site which has more*

effect on the neighbours than is necessary. The RBG argue that they cannot place it more centrally in the site as it would take up the best growing area on a south facing slope. This may be so - but a balance has to be struck between the optimum growing conditions for plants and the amenity of the residents in the houses around. The RBG should accept that it is better to have good relations with neighbours and help preserve their amenity and accept a bit less than optimal growing conditions – the plants will be a little slower in growth but will still do well and can be moved on when required.

We understand that this building is needed to house large plants from other glass houses in the main Gardens when the RBG redevelops its NE corner. This suggests a temporary need and so a permanent structure in one of the most prominent places on the site would seem unreasonable. If it is indeed a permanent building then there is even more need to site it better; this is a large site with a lot of space and so a lot of options.

#### 4) Lighting

A planning condition should be put on the times at which external lights may be operated for the sake of neighbour amenity. Similarly, for lights in the glasshouses even though the RBG does not expect to use them at night. There could be a further problem with lights that are movement controlled: wild animals and domestic cats can trigger these and they ought not to be placed where they disturb local housing as most bedrooms in the surrounding houses are facing the site.

#### Conclusion

The site is in the Inverleith Conservation Area and surrounded by Listed Buildings – the design and bulk of the proposed buildings is large and industrial and will negatively affect the Conservation Area and the amenity of the neighbours. The site is not designated as a business and industry area but is designated as green Open Space in the Edinburgh City Local Plan and as such the policy Os 1 - Open Space Protection applies, which states:

*'Proposals involving the loss of open space will not be permitted unless it is demonstrated that:*

- *there will be no significant impact on the quality or character of the local environment'*

The site is also in a Conservation Area and the development is contrary to policy Env 6 Conservation Areas: Development, which states:

*'Development within a conservation area will be permitted which:*

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

*Planning applications should be submitted in a sufficiently detailed form for the visual effect of the development proposal on the character of the area to be assessed.'*

*It is also contrary to: Policy Des 1 - Design Quality and Context*

*'Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a high quality, sustainable living or working environment. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area to create or reinforce a sense of place, security and vitality. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.'*

*The site is a plant nursery and the RBG has a need for some buildings but the look of the site will inevitably be changed from a predominantly green open area to a more industrial area. The RBG is well respected and their work is appreciated but we would ask the planning department to liaise further with them to try and produce a development suitable for their needs but more acceptable both to their neighbours who live around the site, and for the Conservation Area.*

*The site could be rearranged to mitigate the impact and the RBG should be asked to do this.*

*We ask that the application 13/00724/FUL be refused.*

*B) Appl. No. 13/00724/CON Removal of existing Glasshouse, existing Shade Tunnels x2 and tree in SE of site. |Royal Botanic Nursery Inverleith Avenue South Edinburgh*

*We object to the removal of the birch tree at the east side of the entrance. It is a magnificent tree and should not be removed as the proposed building that replaces it can easily be sited elsewhere and fulfil the requirements of the RBG. It is contrary to Env12 (please read section 2 above for details and policy).*

*We ask that both Applications 13/00724/FUL and 13/00724/CON be refused.*

## Location Plan

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