

Edinburgh City Local Plan Written Statement

Adopted by the City Of Edinburgh Council

28 January 2010

Dave Anderson

Director Of City Development

The City Of Edinburgh Council

Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG

The plan can also be viewed on the Council's website at www.edinburgh.gov.uk/eclp

Policy Env 2 Listed Buildings - Demolition

Listed Buildings

Proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account:

- a) the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use
- b) the adequacy of efforts to retain the building in, or adapt it to, a use that will safeguard its future, including its marketing at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.
- c) the merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss.

Policy Env 3 Listed Buildings - Setting

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.

Policy Env 4 Listed Buildings - Alterations and Extensions

Proposals to alter or extend a listed building will be permitted where those alterations or extensions are justified, will not cause any unnecessary damage to historic structures or diminish its interest and where any additions are in keeping with other parts of the building.

- 4.7** The Statutory List of Buildings of Special Architectural or Historic Interest identifies around 4,500 items (31,500 buildings) for Edinburgh. Where the Council considers that an unlisted building merits special protection, it can ask for the building to be considered for listing, or in urgent cases serve a Building Preservation Notice.
- 4.8** In determining applications for planning permission or listed building consent the Council is required to have special regard to the desirability of preserving the building, or its setting or any features of special interest that it possesses. Applications for the demolition or substantial alteration of a listed building must be accompanied by a thorough structural condition report demonstrating that the proposals are necessary or justified, and in the case of demolition proposals, that every possibility of retaining the building in an alternative viable use has been explored, including its sale on the open market. Proposals for the replacement building will also need to be before the Council; these should be of comparable quality in terms of construction and design.

- 4.9** Edinburgh does not have a legacy of derelict listed buildings, and only a small number are on the Scottish Civic Trust's Buildings at Risk Register, which could justify intervention to safeguard their future. Instead, the record is of the large number of listed buildings which have been given new leases of life by sensitive restoration and adaptation to new uses if necessary. The loss of a listed building will only seldom be justified.

Conservation Areas

Policy Env 5 Conservation Areas – Demolition of Buildings

Proposals for the demolition of an unlisted building within a conservation area but which is considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and after taking into account the considerations set out in Policy Env 2 above.

Proposals for the demolition of any building within a conservation area, whether listed or not, will not normally be permitted unless a detailed planning application is submitted for a replacement building which enhances or preserves the character of the area or, if acceptable, for the landscaping of the site. Conservation Area Consent will be subject to conditions or legal agreement to ensure that demolition does not begin until evidence has been given that contracts have been let for the approved replacement development.

Policy Env 6 Conservation Areas - Development

Development within a conservation area or affecting its setting will be permitted which:

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

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.

- 4.10** Conservation Areas are areas which the Council has determined are of special architectural or historic interest, the character or appearance of which it is desirable to conserve or enhance. The main implication of designation is that consent is required for specific types of development that would not otherwise require it, for example,

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development with fewer than twelve houses, all sites will in principle be considered suitable for affordable housing provision.

- 6.29 A key aim is that affordable housing should be integrated with market housing on the same site and should address the full range of housing need, including family housing where appropriate. Provision on an alternative site may be acceptable where the housing proposal is for less than 20 units or if there are exceptional circumstances.
- 6.30 Further information on affordable housing requirements is provided in supplementary planning guidance. The details of provision, which will reflect housing need and individual site suitability, will be a matter for agreement between the developer and the Council.

Inappropriate Uses in Residential Areas

Policy Hou 8 Inappropriate Uses in Residential Areas

Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted.

- 6.31 The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions.

Houses in Multiple Occupation (HMOs)

Policy Hou 9 HMOs

Planning permission for the conversion of a dwelling house or flat to a House in Multiple Occupation (HMO) will be approved only where there is not considered to be an excessive concentration of such accommodation in the locality. Planning permission will not be granted for any further HMOs in localities where these already comprise 30% or more of all households or where the proposal would result in this threshold being exceeded.

- 6.32 Edinburgh has a large private rented sector, a substantial proportion of which is tenanted and occupied as HMOs. These play an important role by providing affordable housing for students and others seeking accommodation for a temporary period or who have limited housing choices. However, they tend to be concentrated heavily in a limited

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Such uses can vary greatly in terms of scale and impact and therefore very general guidance only can therefore be given through this Plan. Proposals require careful individual assessment when made as planning applications.

Alternative Use of Shop Units

8.31 Local plan policy has for many years focussed on the retention of shop uses in shopping centres. Whilst the continued existence of a variety of shops is critical to the health of centres, there are benefits in allowing a diverse mix of other uses. Policies Ret 8 – Ret 10 provide a three tiered approach to assessing planning application for change of use of shop units in defined centres.

8.32 Detailed information on the extent of City Centre Retail Core, the town and local centres and identified core and primary frontages is provided in Appendix D.

Policy Ret 8 Alternative Use of Shop Units - City Centre Core Frontages

On Princes Street and other Core Frontages in the city centre (defined on the Proposals Map and in Appendix D), the change of use of a shop unit to a non-shop use will not be permitted. Where a unit is currently in non-shop use, its re-instatement to a shop is encouraged.

Policy Ret 9 Alternative Use of Shop Units – Primary Frontages in the City Centre and Town Centres

In Primary Frontages (defined on the Proposals Map and in Appendix D), the change of use of a shop unit to a non-shop use will be permitted provided:

- a) as a result of permitting the change of use, no more than one third of the total number of units in the frontage will be in non-shop use
- b) permitting the change of use, would not result in four or more consecutive non-shop uses
- c) the proposal is for an appropriate commercial or community use which would complement the character of the centre and would not be detrimental to its vitality and viability.

Policy Ret 10 Alternative Use of Shop Units - Elsewhere in Defined Centres

Elsewhere in defined centres*, the change of use of a shop unit to a non-shop use will be permitted provided:

- a) permitting the change of use would not result in four or more consecutive non-shop uses

- d) whether there is a clear justification to retain the unit in shop use to meet local needs
- e) where residential use is proposed, whether the development is acceptable in terms of external appearance and the standard of accommodation created.

- 8.40** Independent and specialist retailers may be found in secondary locations throughout the city, but their concentration in some streets in the Old Town and on the fringes of the Central Area have given these a distinctive shopping character and interest which the Council is concerned to retain and foster. The defined speciality shopping streets are Cockburn Street; High Street (parts) Lawnmarket and Canongate; Victoria Street and West Bow, Grassmarket; Jeffrey Street and St Mary's Street; St Stephen Street, Stafford Street, William Street and Alva Street in the New Town. More detailed information on the frontages to which Policy Ret 11 applies is provided in Appendix D.
- 8.41** In parts of the city, mainly the Central Area and Leith, there are concentrations of commercial uses including retail, food and drink, and entertainment uses which, although not fulfilling the role of a local centre, do make a positive contribution to the vibrancy of the city. Proposals incompatible with the commercial character of such areas will be resisted.
- 8.42** The Small Business Study, undertaken on behalf of the Council in 2005 identified a concern over the loss of industrial premises in Edinburgh. The study recognised the potential role that vacant shop units can play in providing opportunities for small businesses. Such uses contribute to the local economy and to urban vitality by fostering a greater mix of uses and providing locally accessible services. The Council may also seek to retain shop units in retail use where there is a clear neighbourhood need or where these have been required as an integral component of a mixed use development. The Council's non-statutory guideline on the conversion of shops to residential use provides detailed guidance on relevant design and amenity considerations.

Food and Drink Establishments

Policy Ret 12 Food and Drink Establishments

The change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub, or shop selling hot food for consumption off the premises (hot food take-away) will not be permitted:

- a) if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents or
- b) in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents.

- 8.43** The provision of food and drink establishments in areas where people live is a recognisable component of urban living. However, such uses can cause a number of problems for local residents. Particular care will be taken to prevent an excessive concentration of hot food shops, pubs and bars in areas of mixed but essentially residential character. The approved supplementary planning guidance on food and drink establishments identifies sensitive areas in this regard namely Tollcross, Grassmarket, Nicolson/Clerk Street and Picardy Place and their environs.

DEVELOPMENT PROPOSALS

Improvements to the Shopping Environment

- 8.44** It is widely recognised that enhancements to the public realm in the city centre can act as a catalyst to encourage more private sector investment. Three key projects are being implemented under the 'Capital Streets Project', led by Edinburgh City Centre Management Company in partnership with the Council, SEE&L, Edinburgh World Heritage and Historic Scotland - at Castle Street (now complete), St Andrews Square and Grassmarket.
- 8.45** The Council is currently undertaking a programme of physical improvements to the public realm in town centres, funded from the Scottish Government's 'Quality of Life' budget. Enhancement works including pavement repair, landscaping and street furniture have been undertaken or are programmed in Leith, Corstorphine, Morningside, Gorgie/Dalry, Nicolson Street/Clerk Street and Portobello. In addition, the Neighbourhood Regeneration Programme which was established to address social exclusion in priority areas in Edinburgh is delivering public realm improvements in local centres resulting in more attractive, cleaner and safer environments for local shopping. Within the context of Policy Des 5, where appropriate the Council will encourage developer contributions to undertake public realm improvements in shopping centres.

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growth targets and aspirations in these areas could not be achieved in full. It is reasonable therefore that the developments which will directly benefit from the tram should contribute towards its construction costs, including associated public realm costs. Supplementary planning guidance has been approved which sets out the criteria by which contributions will be sought. The policy applies to all development within 500 metres of a proposed tram line or 750 metres of a tram stop, but may also be applied to individual developments beyond these limits if warranted by their scale and likely travel demands. Contributions will be adjusted to take account of development type, scale and distance from the agreed corridors and stops. The above policy should be read in conjunction with the supplementary guidance.

- 9.11** Traffic generation can have other adverse environmental effects, notably on local air quality, which may need to be mitigated in accordance with Policy Env 18. Appropriate mitigation measures may form part of transport-related agreements, for example financial support for low/no-emission bus vehicles serving the development.
- 9.12** Travel plans are documents that set out a package of positive and complementary measures for the overall delivery of more sustainable travel patterns after a development is completed and occupied. They could deal for example with workplace car parking and how this is managed, or the inducements which can be put in place by employers for staff and customers to use alternatives to the car. They will therefore be required from all developments requiring transport assessment, and are a valid matter to be dealt with in the context of a planning agreement. Their effectiveness will need to be monitored, and therefore a travel plan should include specific mode share targets which can be reviewed on a regular basis by occupiers and the Council. They are not applicable to residential developments, where sustainability in travel should come from design in relation to walking, cycling and public transport networks.

Private Parking

Planning permission will be granted for development where the car parking provision to be made complies with and does not exceed the parking levels set out in supplementary planning guidance. Lower provision will be pursued subject to consideration of the following factors:

- a) whether, in the case of non-residential developments, the applicant can demonstrate through a travel plan that practical measures can be undertaken to significantly reduce the use of private cars to travel to and from the site

- b) whether there will be any adverse impact on the amenity of neighbouring occupiers, particularly residential occupiers through on-street parking around the site and whether any adverse impacts can be mitigated through control of on-street parking
- c) the accessibility of the site to public transport stops on routes well served by public transport, shops, schools and centres of employment
- d) the availability of existing off-street parking spaces that could adequately cater for the proposed development
- e) whether the characteristics of the proposed use are such that car ownership and use by potential occupiers will be low, such as purpose-built sheltered or student housing and 'car free' or 'car reduced' housing developments and others providing car sharing arrangements
- f) whether complementary measures can be put in place to make it more convenient for residents not to own a car, including secure, covered cycle parking, car sharing or pooling arrangements, including access to the city's car club scheme.

**Policy Tra 5
Private Cycle
Parking**

Planning permission will be granted for development where the cycle parking and storage provision to be made complies with the standards set out in supplementary planning guidance.

9.13 Car parking provision is an essential tool of planning and transport strategies. The amount of car parking available at a travel destination to staff, customers, visitors etc. has a major influence on how people choose to travel. This must be provided in accordance with Council standards which have been prepared for the city and are tailored to local circumstances, including location, public transport accessibility in the surrounding area and economic needs, but generally fulfil the wider strategy of encouragement of sustainable, non-car modes. The standards express the maximum amount of car parking that different types of development may provide. More restrictive maximum parking levels, including nil provision for some types of development, are in place for the city centre because of its high accessibility and for locations near to the main public transport corridors.

9.14 Less car parking than the standards require may be appropriate if this will help reduce car use. The policy indicates the circumstances in which this may be agreed. The standards allow for the development of 'car free' or 'car reduced' housing schemes, provided developers are prepared to enter into planning agreements to ensure that residents will have every inducement not to keep a car within the scheme or its



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and proposes a means of assessing the impact that new building proposals would have. This has led to a policy set out in the new supplementary planning guidance prepared by City of Edinburgh Council entitled: Protection of Key Views, which was approved in June 2008.

- 3.28** Proposals for development that would be conspicuous in wider views of the city will be subject to special scrutiny, to ensure that important views are not impaired. Existing high buildings which are out of keeping with their neighbours and have a detrimental effect on the historic skyline or important views will not set a precedent for the future, and their replacement with more appropriately scaled buildings will be sought if redevelopment is in prospect.

Alterations and Extensions to Existing Buildings

Policy Des 11 Alterations and Extensions

Planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties
- c) will not be detrimental to neighbourhood amenity and character.

- 3.29** Alterations and extensions to existing buildings generally raise similar design issues to those of new development. Every change to a building, a street or a space has the potential to enrich or, if poorly designed, impoverish a part of the public realm. The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours. Particular attention will be paid to ensuring that such works to listed buildings and non-listed buildings in conservation areas do not damage their special character.

Shopfront Design and Advertising

Policy Des 12 Shopfronts

Alterations to shopfronts will be permitted which are improvements on what already exists and relate sensitively and harmoniously to the building as a whole. Particular care will be taken over proposals for the installation of illuminated advertising panels and projecting signs, blinds, canopies, security grills and shutters to avoid harm to the visual amenity of shopping streets or the character of historic environments.

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