

Development Management Sub Committee

Report returning to Committee - Wednesday 21 March 2018

**Application for Planning Permission 16/03218/FUL
At 30 South Fort Street, Edinburgh, EH6 5NU
Demolish existing buildings. Form new residential
development with associated roads/paths and parking
(Scheme 3).**

Item number	5.2
Report number	
Wards	A12 - Leith Walk (Pre May 2017)

Recommendations

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

Background information

This application was previously considered by Committee on 21 June 2017 and 30 August 2017.

The Committee was minded to grant planning permission subject to a legal agreement and a number of conditions and informatives. The legal agreement has not yet been signed and the decision notice has not been issued. The purpose of this report is to seek approval to delete condition 1 and amend condition 3.

Condition 1 states:

Development shall not commence until the industrial use at West Bowling Green Street site (as defined in application reference 16/00427/FUL) has ceased operation and the site has been cleared to the satisfaction of the Planning Authority.

The applicant has submitted a formal request to delete this condition as it is not considered necessary and it is holding up development with implications for the relocation of the existing industrial operations and housing delivery.

Condition 3 states:

The following noise protection measures to the proposed residential development, as defined in the Robin Mackenzie Partnership 'Environment Noise Assessment' report (Ref: R-7351- RGM-M1), dated 29 January 2016:

- Glazing units with a minimum insulation value of 6.4/12/10 mm double glazing, shall be installed for the external doors and windows overlooking South Fort Street. They shall also be fitted with attenuated trickle ventilation with a minimum acoustic rating $D_{n,e}$, w 39 dB.*
- Attenuated trickle ventilation with a minimum acoustic rating $D_{n,e}$, w 39 dB shall be installed for the external doors and windows of the habitable rooms and overlooking South Fort Street.*

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

It has come to light that the wording of condition 3 is incorrect as it relates to the noise impact assessment report and mitigation measures for the application on the adjacent site (16/00427/FUL) which was determined at the same time. The required mitigation measures are different for this applications and it is therefore necessary to amend the wording of this condition.

Main report

Condition 1

Planning applications 16/03218/FUL for 115 residential units and 16/00427/FUL for 77 residential units and three commercial units together provide an integrated approach to the development of adjacent sites on South Fort Street and West Bowling Green Street. To promote the comprehensive redevelopment of both sites and to take account of the existing business/industrial uses on the sites, both applications were subject to a condition preventing development taking place until the existing uses on the adjacent site had ceased and the buildings cleared. This was considered necessary to protect the amenity of future occupiers of the development.

A co-ordinated approach to the redevelopment of the two sites remains the preferred solution. However, the applicant for application 16/03218/FUL has indicated that this condition is causing problems due to lack of control and certainty regarding timescales for the clearance of the adjacent site.

The applicant wishes to commence development of the 66 private sale and 28 affordable housing units as soon as the decision notice is issued. Certainty regarding timescales is needed to facilitate the relocation of the Blake's industrial operation currently occupying the site. The current intention is for Blake's to relocate to the large, vacant manufacturing facility at 31 Bath Road, providing the opportunity to safeguard operations and employment in north east Edinburgh.

The applicant's planning report, submitted in support of the request to delete condition 1, states that Blake's relocation from the existing site on South Fort Street is now a necessity. The Blake Group currently has around 50 employees including eight apprentices from Edinburgh College and a turnover of £3.5million. The company has significant growth plans which Scottish Enterprise is assisting with. The intention is for the Blake Group to take a 30 year lease of the vacant building at Bath Road to form the anchor for a new Manufacturing and Innovation Hub.

The Council's Economic Development Service supports the deletion of condition 1 as the current situation may stall or prevent development. It recognises the economic benefits of the Blake Group relocating to Bath Road and the further potential opportunities, in terms of job creation, that this relocation could bring.

The deletion of condition 1 would bring economic benefits and potentially accelerate housing delivery. However, these need to be balanced against potential impact on the amenity of future residents.

The first clause of condition 1 requires the existing industrial uses on the adjacent site to cease activity prior to development. This was required to ensure that the existing uses on the adjacent site do not have an unacceptable impact (noise/dust etc) on future residents. The applicant's planning report sets out the view that the existing uses on the site (a camper van sales operation and a picture framer) are not Class 5 industrial uses. There is no evidence that planning permission has ever been granted for Class 5 industrial uses on this site and therefore a change to an industrial use would require planning permission.

The Council's Environmental Protection Service has been consulted on the proposed deletion of the condition and has no objection on the basis that the existing businesses would have no detrimental impact on residential amenity. Similarly, residential development on this site would not prejudice or inhibit the activities of these existing employment uses. There is therefore no requirement for clause 1 of condition 1.

The second clause of condition 1 requires the adjacent site to be cleared. This was included because the proposed layout is based on a comprehensive design solution for both sites and the assessment of this application has been based on the assumption that the buildings on the adjacent site would be removed prior to development. The deletion of this condition would mean that development of this site could come forward in advance of these buildings being removed.

This has a potential impact on the amenity of future residents in terms of:

- Private green space provision.
- Immediate outlook and daylighting.

Green Space

The deletion of condition 1 will have no impact on the amount of green space provision and the proposal therefore still accords with policy Hou 3 in the Edinburgh Local Development Plan which requires at least 10 m² per flat.

LDP Policy Des 5 requires that future occupiers have acceptable levels of sunlight. The Edinburgh Design Guidance states that half the area of new garden spaces should be capable of receiving potential sunlight during the sun equinox for more than three hours. The existing buildings will result in overshadowing to approximately 130 m² of the shared green space serving Block C. However, this represents less than half the total amount of green space provided in this part of the site and is therefore acceptable. The applicant was therefore not asked to provide any further analysis on this matter.

The green space provided to the south and east of Block C located within this application site is a relatively narrow, awkward shape. It is acknowledged that the amenity value and usability of this space will be greatly enhanced once the adjacent site is redeveloped. However, when assessed on its own, the proposal does still accord with LDP policy Hou 3 in terms of amount of open space and LDP policy Des 5 in terms of sunlight levels.

Immediate Outlook and Daylighting

The immediate outlook of future occupiers of the flats at the western end of Block C would be detrimentally affected if development took place prior to the removal of the existing buildings. It will result in a number of bedroom and bathroom windows looking onto the blank gable end of the existing business premises. The impact on amenity is partly mitigated by the fact that all living room windows face west and are not affected.

The applicant has undertaken a detailed daylighting assessment report to examine the impact of the adjacent buildings on the proposed development. This assessment has taken account of the technical guidance on daylighting set out in the Edinburgh Design Guidance (EDG).

The assessment firstly identified that there was potential for an unacceptable impact on daylighting on the bedrooms of seven flats. The EDG states that daylight to bathrooms, stores and hallways will not be protected. Using the Vertical Sky Component method, analysis showed that four of these bedrooms measured above 27% (the minimum recommended in the EDG). The bedrooms in three ground floor affordable flats did not meet the required standard measuring 25.60%, 22.41% and 19.04%.

The assessment then measured impact using the Average Daylight Factor (ADF) methodology. This demonstrated that all seven bedrooms measured above 1% the minimum ADF for bedrooms.

The deletion of condition 1 will have a minor adverse impact on daylighting levels in the ground floor bedrooms of three affordable flats. However, this is considered a justifiable exception to the Edinburgh Design Guidance because daylighting impact is shown to be acceptable when calculated using a different methodology and daylight to bedrooms is considered to be of less importance than living rooms which are not affected.

The Council's Affordable Housing team was consulted on the proposed deletion of condition 1. It recognises that the change will provide greater certainty regarding the delivery of the affordable units. There will be a reduction in residential amenity for future occupiers but this should only be for a temporary period.

Conclusion

Condition 1 was included in the original report to Committee as it was considered necessary to protect the amenity of future occupiers. However, whilst the comprehensive redevelopment of both sites at the same time remains the preferred approach in the interests of good place-making, the above assessment demonstrates that the development of the Blake's site could come forward in advance of proposals for the adjacent site. As explained above, there are economic and housing delivery benefits associated with the deletion of condition 1.

Work on the legal agreement for application 16/00427/FUL is progressing and it is understood that the landowner is in discussion with prospective developers. It is therefore anticipated that redevelopment of the adjacent site will happen and any impacts on the amenity of future residents will be temporary.

The deletion of Condition 1 for application 16/03218/FUL can therefore be supported.

Condition 3

The wording of condition 3 needs to be amended to accurately reflect the requirements for this site.

A noise impact assessment was undertaken to consider the commercial and road traffic noise levels in the vicinity of the site and a report (KSG Acoustics Ltd 'Noise Impact Assessment' report (Ref 1518/R1/rev 2), dated 12 April 2017) submitted in support of the application. The results of the surveys and assessment indicate that appropriate design specifications are necessary on the east, west and south facades of Block C to ameliorate noise ingress to habitable rooms.

Environmental Protection has considered the Noise Impact Assessment and has recommended the following condition to ensure the amenity of future residents is acceptable in terms of noise levels.

The following noise protection measures to the proposed residential development, as defined in the KSG Acoustics Ltd 'Noise Impact Assessment' report (Ref 1518/R1/rev 2), dated 12 April 2017:

- Glazing units with a minimum sound reduction level 31 Rw, Ctr (dB) double glazing shall be installed for the external doors and windows of the habitable rooms overlooking South Fort Street (Block C east facade). These shall also be fitted with attenuated trickle ventilation with a minimum acoustic rating 31 Rw Ctr dB.
- Glazing units with a minimum sound reduction level 26 Rw, Ctr (dB) double glazing shall be installed for the external doors and windows of the habitable rooms overlooking West Bowling Green Street, (Block C south facade) and Pitt Street (Block C north facade). These shall also be fitted with attenuated trickle ventilation with a minimum acoustic rating 26 Rw Ctr dB.
- Glazing units with a minimum sound reduction level 20 Rw, Ctr (dB) double glazing shall be installed for the external doors and windows of the habitable rooms overlooking West Bowling Green Street (Block C south west facade). These shall also be fitted with attenuated trickle ventilation with a minimum acoustic rating 20 Rw Ctr dB.
- A 2 metre close boarded timber acoustic barrier with a minimum surface density of 12 kg/m² shall be erected as highlighted in the KSG Acoustics Ltd 'Noise Impact Assessment' report (Ref 1518/R1/rev 2), 'Appendix A' dated 12 April 2017.

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

It is recommended that the wording of condition 3 is amended accordingly.

Conclusion

In conclusion, it is recommended that condition 1 as set out in the previous report to Committee on 21 June 2017 is deleted and the remaining conditions renumbered.

It is also recommended that the wording of condition 3 as set out in the previous report to Committee on 21 June 2017 is amended as follows:

Condition

The following noise protection measures to the proposed residential development, as defined in the KSG Acoustics Ltd 'Noise Impact Assessment' report (Ref 1518/R1/rev 2), dated 12 April 2017:

- Glazing units with a minimum sound reduction level 31 Rw, Ctr (dB) double glazing shall be installed for the external doors and windows of the habitable rooms overlooking South Fort Street (Block C east facade). These shall also be fitted with attenuated trickle ventilation with a minimum acoustic rating 31 Rw Ctr dB.
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- A 2metre close boarded timber acoustic barrier with a minimum surface density of 12 kg/m2 shall be erected as highlighted in the KSG Acoustics Ltd 'Noise Impact Assessment' report (Ref 1518/R1/rev 2), 'Appendix A' dated 12 April 2017.

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

Reason

In order to protect the amenity of the occupiers of the development.

Links

Policies and guidance for this application

LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN20, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSMDV, NSP,

A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=O9KSJ8EWGF800>

Or Council Papers online

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer

E-mail:lesley.porteous@edinburgh.gov.uk Tel:0131 529 3203