

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

10:00am, Wednesday 15 August 2018

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

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

Contacts:

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **2.00pm on Monday 13 August 2018** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

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

3. Minutes

- 3.1 None.

4. General Applications, Miscellaneous Business and Pre-Application Reports

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1

Pre-Applications

- 4.1 20 The Wisp (At Land 90 Metres West of) – Forthcoming application by Springfield Properties PLC for a proposed residential development of approximately 150 flatted dwellings, landscaping, and associated ancillary works - application no 18/03389/PAN - report by the Chief Planning Officer (circulated)

Applications

- 4.2 Baileyfield Crescent, Edinburgh – Stopping up order – Baileyfield Crescent, Edinburgh PO/12/03- report by the Chief Planning Officer (circulated)

It is recommended that this Stopping up order is **passed to the Scottish Ministers to hold a Public Inquiry**

- 4.3 24 Dalmeny Street, Edinburgh, EH6 8RG - Change of use for Ukranian Church yard to be used as a street food and drinks market featuring art, crafts and music (retrospective) - application no 17/05943/FUL - report by the Chief Planning Officer (circulated)

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

- 4.4 2 Old Kirk Road, Edinburgh (At Garage 8 Metres West Of) – Demolition of an existing lock-up storage unit and construction of a two bedroom house (as amended) - application no 18/00984/FUL - report by the Chief Planning Officer (circulated)

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

- 4.5 24 Rankeillor Street, Edinburgh EH8 9HY – Internal alterations to create new kitchen, bathrooms and dressing space and form new rear garden staircase access and alter existing rear door to form a window - application no 18/02501/LBC - report by the Chief Planning Officer (circulated)

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

- 4.6 30 Wright's Houses, Edinburgh, EH10 4HR – Improvements to the surfacing/ entry to the grassed area and erection of a golfing starter's hut - application no 18/01088/FUL - report by the Chief Planning Officer (circulated)

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

5. Returning Applications

These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 5.1 None.

6. Applications for Hearing

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

- 6.1 None.

7. Applications for Detailed Presentation

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

- 7.1 4A Oxfangs Green, Edinburgh (At Site 72 Metres South of) – Development of 85 affordable dwellings (79 flats and 6 houses) with all other associated infrastructure, roads, parking, public realm and landscape areas - application no 18/01055/FUL - report by the Chief Planning Officer (circulated)

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

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 8.1 None.

Laurence Rockey

Head of Strategy and Insight

Committee Members

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Mowat, Osler and Staniforth.

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and usually meets twice a month. The Sub-Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

A summary of the recommendations on each planning application is shown on the agenda. Please refer to the circulated reports by the Chief Planning Officer or other Chief Officers for full details. Online Services – planning applications can be viewed online by going to [view planning applications](#) – this includes letters of comments received.

The items shown in part 6 on this agenda are to be considered as a hearing. The list of organisations invited to speak at this meeting are detailed in the relevant Protocol Note. The Development Management Sub-Committee does not hear deputations.

The Sub-Committee will only make recommendations to the full Council on these applications as they are major applications which are significantly contrary to the Development Plan.

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4210, email committee.services@edinburgh.gov.uk.

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

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

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Development Management Sub Committee

Wednesday 15 August 2018

Report for forthcoming application by

Springfield Properties PLC. for Proposal of Application Notice

18/03389/PAN

**At Land 90 Metres West Of 20, The Wisp, Edinburgh
Residential development of approximately 150 flatted dwellings, landscaping, and associated ancillary works.**

	4.1
Item number	
Report number	
Wards	B17 - Portobello/Craigmillar

Summary

The purpose of this report is to inform Development Management Sub-Committee of a forthcoming detailed application for residential development with landscaping and associated ancillary works at Land 90 metres West of 20, The Wisp, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant has submitted this Proposal of Application Notice on 3 July 2018.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

- 1.1** It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site is 2 hectares, approximately rectangular in shape and lies to the south-east of Edinburgh. It is currently part undeveloped greenfield land. This application site is an enlargement of the site granted planning permission in principle for residential development under 16/00216/PPP and it now includes adjoining land to the north and south. Within the south of the site, the area now included comprises two existing workshop units and storage yard, as well as part of an adjoining application site with planning permission for housing. To the north the site includes part of the tree belt of Hunters Hall public park.

The site adjoins Hunters Hall Public Park to the north. To the east is the Thistle Timbers builders supply yard which has planning permission (application number 15/04151/FUL and currently under construction), to extend up to boundary with the application site. To the south and west planning permission has already been granted for residential development up to the site's boundary.

The site is currently accessed by vehicles from The Wisp, although potential accesses could be formed from the new housing areas to the west and south.

2.2 Site History

20 June 2018 - Planning permission in principle is minded to grant subject to legal agreement for residential development and associated works (application number: 16/00216/PPP).

Neighbouring Sites

Land At Greendykes Road (Thistle Timbers)

23 December 2016 - Planning permission granted for class 6 (storage and distribution) - formation of builders supply yard as extension to existing yard (application number: 15/04151/FUL).

Land 213 Metres Southwest Of 22 The Wisp

17 February 2016 - Planning permission was granted following an appeal for a residential development (comprising 72 units) and associated works on the site to the south (application number: 13/02660/FUL).

10 October 2017 - Planning permission was granted for a remix of the residential development approval 13/02660/FUL, construction of 80 residential units and associated works (as amended) (application number: 16/04373/FUL).

Land At Greendykes Road

22 July 2010 - Planning permission in principle for residential development (as amended) was granted (application number: 07/01644/OUT).

26 October 2012 - Approval of matters specified in condition application was approved for residential development (application number: 12/01109/AMC).

1 February 2013 - Permission granted for works to facilitate new residential development associated with planning application reference 12/01109/AMC on land at Greendykes Road Edinburgh (application number: 12/03189/FUL).

21 February 2013 - Permission granted for residential development at Greendykes Road Edinburgh Greendykes Masterplan Area AH2 (application number: 12/03665/AMC).

21 September 2017 - Planning permission granted for residential development as part Greendykes Masterplan Site areas C and D at Greendykes Road, Edinburgh (application number: 13/01342/FUL).

Land At Cauldcoats - Midlothian Council

16 December 2014 - Application submitted for planning permission in principle for residential development; erection of primary school; and mixed use development (application number: 14/00910/PPP).

Main report

3.1 Description Of The Proposal

An application for detailed planning permission will be submitted for residential development of approximately 150 flatted dwellings, landscaping works and associated ancillary works. No further details of the proposed flats have been submitted however as the site is approximately 2 hectares in size this equates to 75 dwellings per hectare.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location;

The site is located within the urban area and open space as defined in the Edinburgh Local Development Plan (LDP). Planning permission in principle was granted for residential development subject to legal agreement for the majority of this site at Development Management Sub-Committee on 20 June 2018. However the inclusion of the area of open space within this PAN will need to be assessed against policy ENV 18 (Open Space Protection).

b) The design, scale and layout are acceptable within the character of the area and wider regeneration;

The proposal will be considered against the provisions of the LDP and the Edinburgh Design Guidance. Notwithstanding that the proposal is for 150 flats, there will be a requirement for a mix of types and sizes, including affordable housing.

A Design and Access Statement will be provided with the application.

c) Access arrangements are acceptable in terms of road safety and public transport accessibility;

There is an existing vehicle access from The Wisp to the workshops and a pedestrian connection diagonally through the site from the south/west corner to the northern boundary and into Hunter's Hall Public Park. The proposals should have regard to the Council's parking standards, LDP transport policies and the requirements of the Edinburgh Street Design Guidance.

Transport information including provision for cycling and walking, will be required to support the application to assess the effect of the proposal on local roads and to support active travel.

d) There are any other environmental factors that require consideration;

The applicant will be required to demonstrate that the site is capable of accommodating the development and that there is sufficient infrastructure capacity.

The proposal will be assessed in line with the consultation draft supplementary guidance on Developer Contributions on Infrastructure Delivery and the relevant Development Plan provisions. On site affordable housing will be required. The provision of affordable housing should reflect the mix of units and be tenure blind.

The eastern edge of the site is bounded by a timber yard - a potential noise source within the vicinity of the site. An acoustic survey must be submitted to address noise sources. The design will need to include mitigation measures, for example the inclusion of acoustic buffering or specific location of windows within residential properties, to address any potential impacts identified.

The impact on the tree belt on the boundary with Hunter's Hall Public Park will also need to be assessed.

An air quality assessment will be required given the cumulative impacts of development within this area.

In order to support the application, the applicant will likely be required to submit the following documents:

- Planning Statement;
- Design and Access Statement;
- Pre-application Consultation Report;

- Landscape and Visual Impact Assessment;
- Site Investigation Report;
- Transport Information;
- Flood Risk assessment and Surface Water Management Plan;
- Drainage Impact Assessment;
- Archaeological Assessment;
- Air Quality Impact Assessment;
- Noise Impact Assessment;
- Ground Conditions Report;
- Ecological surveys; and
- Sustainability Statement.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

One public exhibition took place in the Springfield Sales Cabin, Milligan Drive on Wednesday 1 August 2018 from 1pm to 7pm.

The event was advertised in the Edinburgh Evening News, two weeks prior to the consultation event. Craigmillar, Gilmerton and Inch, and Danderhall and District (Midlothian) Community Councils, Liberton and Gilmerton and Portobello and Craigmillar Neighbourhood Partnerships, and ward councillors and MSP's have been notified of the proposal.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report.

Background reading/external references

- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David R. Leslie

Chief Planning Officer

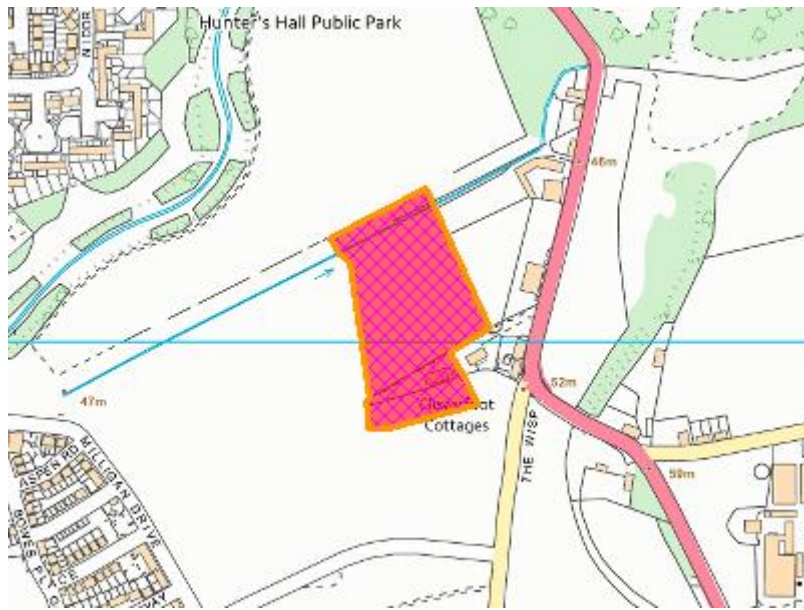
PLACE

The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer

E-mail: catriona.reece-heal@edinburgh.gov.uk Tel: 0131 529 6123

Location Plan



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Development Management Sub-Committee

10.00 am, Wednesday, 15 August 2018

Stopping Up Order – Baileyfield Crescent, Edinburgh PO/18/03

Item number	4.2
Report number	
Executive/routine	
Ward	17 Portobello / Craigmillar

Executive summary

1. The purpose of this report is to request that the Sub-Committee note the objections made when the City of Edinburgh Council (Baileyfield Crescent, Edinburgh) (Stopping Up) Order 2018 was advertised to the public.
2. That the stopping up order is passed to the Scottish Ministers to hold a Public Inquiry.

Links

Coalition pledges	
Council outcomes	CO25 – The Council has efficient and effective services that deliver on objectives.
Single Outcome Agreement	

Stopping Up Order – Baileyfield Crescent, Edinburgh PO/18/03

Recommendations

- 1.1 That the Sub-Committee note the objections made when the City of Edinburgh Council (Baileyfield Crescent, Edinburgh) (Stopping Up) Order 2018 was advertised to the public.
- 1.2 That the stopping up order is passed to the Scottish Ministers to hold a Public Inquiry.

Main report

- 2.1 To facilitate implementation of a grant of approval of full planning permission (reference 16/05898/FUL) for the housing development at the former Baileyfield Industrial Estate, Portobello, a stopping up order is required.
- 2.2 Baileyfield Crescent links Baileyfield Road to Sir Harry Lauder Road and serves as an access road to the former industrial estate. It is proposed that the road be stopped up and a new road be the provided, as on the attached in the appendix to this report.
- 2.3 The stopping up of roads was progressed under the terms of the Town and Country Planning (Scotland) Act 1997, Section 207. The order was advertised to the public from 13 April 2018 to 11 May 2018. One objection has been received and for the stopping up order to proceed the representations require to be passed to the Scottish Ministers for determination.
- 2.4 The objection to the stopping up order are on the grounds that;
 1. The Council should not be stopping up a public road until RCC has been issued, and the developer is physically capable of laying the new road.
 2. The new junction arrangements for Sir Harry Lauder Road are not known nor audited as being safe.
 3. Closing Baileyfield Crescent will result in more vehicles using Portobello High Street and Sir Harry Lauder Road. They consider that controlled junction in the area are already at capacity.
 4. Nearby residents who currently park in Baileyfield Crescent when space is not available in the Portobello High Street area, will be displaced. No alternative parking is being provided.

2.5 The responses to the issues raised are as follows;

1. When a road is required to be stopped up, for the construction of a new development, there is no requirement to have a new road in place before the former road is closed. In many cases the developer may, should it be considered necessary on safety grounds, apply for a Temporary Traffic Regulation Order to prohibit traffic on the existing road. This would have the effect of removing traffic from the road before any work started.
2. The Council are satisfied with the proposals and intend to take forward the necessary Road Construction Consent for the new road. A copy of the stage 2, road safety audit has been passed to the objector.
3. The Council considered the traffic impact of the development during planning application stages and at the Development Management Sub-Committee hearing and does not regard the diversion unsuitable.
4. The nearby, Portobello Court, has a car park to the rear and unrestricted end-on parking along the Portobello High Street frontage. Within Portobello, loading and/or waiting is only prohibited and/or restricted in the town centre area. The roads adjacent to Portobello High Street are mainly unrestricted, other than at points where parking would cause a danger to pedestrians or vehicular traffic. It is considered that there are ample parking opportunities in the nearby roads for any residents who may currently park in Baileyfield Crescent, should they not be able to park adjacent to their homes.

Measures of success

3.1 The planning permission will be implemented in full.

Financial impact

4.1 Associated costs will be met by the applicants.

Risk, policy, compliance and governance impact

5.1 All statutory procedures for the making of the Order will be correctly followed.

Equalities impact

6.1 This was assessed in the report to the Development Management Sub-Committee on 22 November 2017 and is contained within the Assessment section of that report.

Sustainability impact

- 7.1 This was assessed in the report to the Development Management Sub-Committee on 22 November 2017 and it was considered that these met the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

- 8.1 The consultation required by the legislation was carried out and if the Stopping Up Order is passed to the Scottish Ministers all further required consultations will be undertaken.

Background reading / external references

Report to the Development Management Sub-Committee on 22 November 2017

David R. Leslie

Service Manager & Chief Planning Officer

Contact: John Richmond, Senior Professional Officer

E-mail: john.richmond@edinburgh.gov.uk | Tel: 0131 469 3765

Links

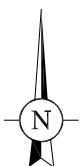
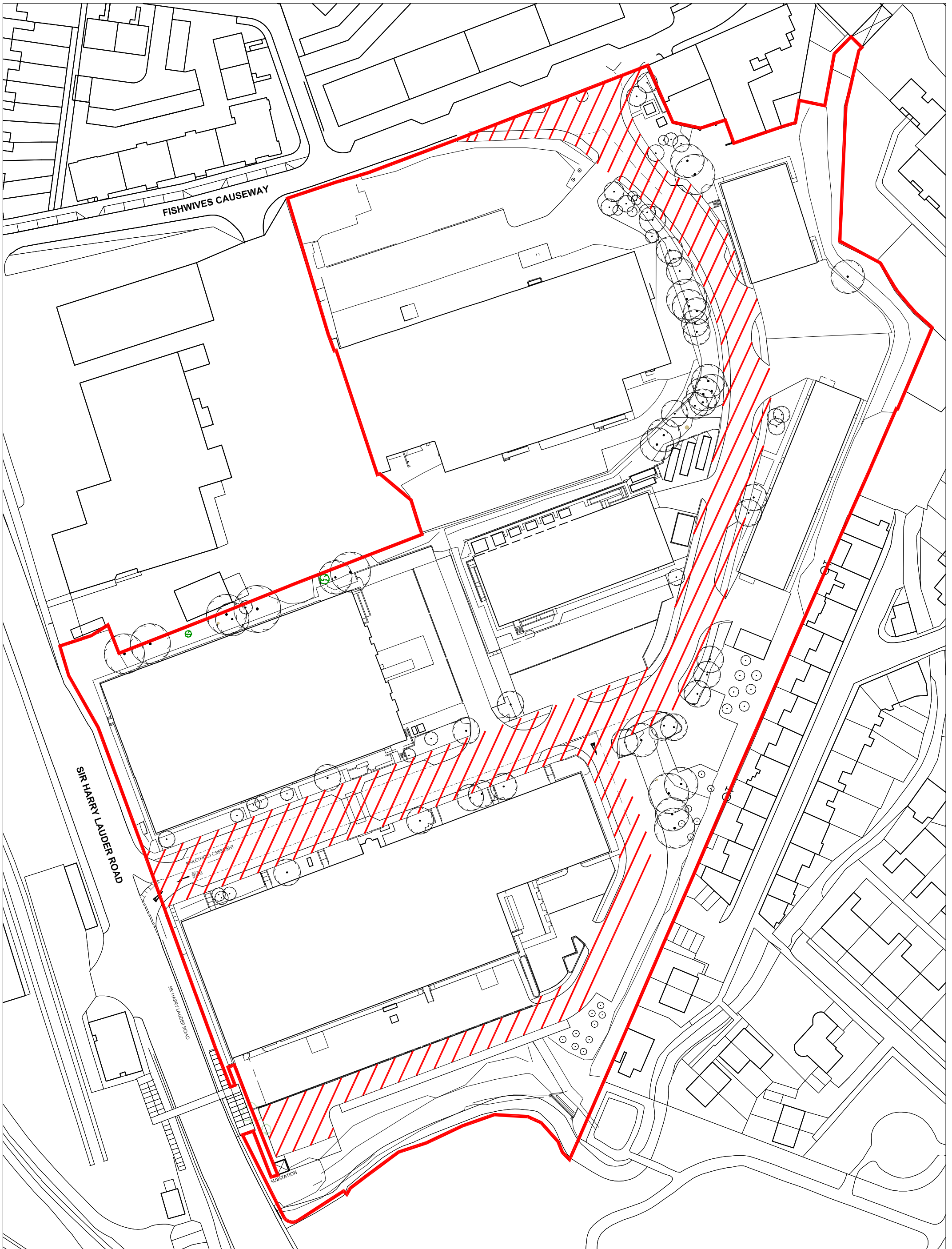
Coalition pledges

Council outcomes CO25 – The Council has efficient and effective services that deliver on objectives.

Single Outcome Agreement

Appendices

Appendix 1
Plan road to be stopped up.
Plan new road to be provided.



Baileyfield South, Edinburgh

Barratt Homes

Extent of Roads to be Stopped Up

Drawing Number:
TP498 Figure 3

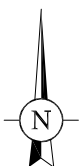
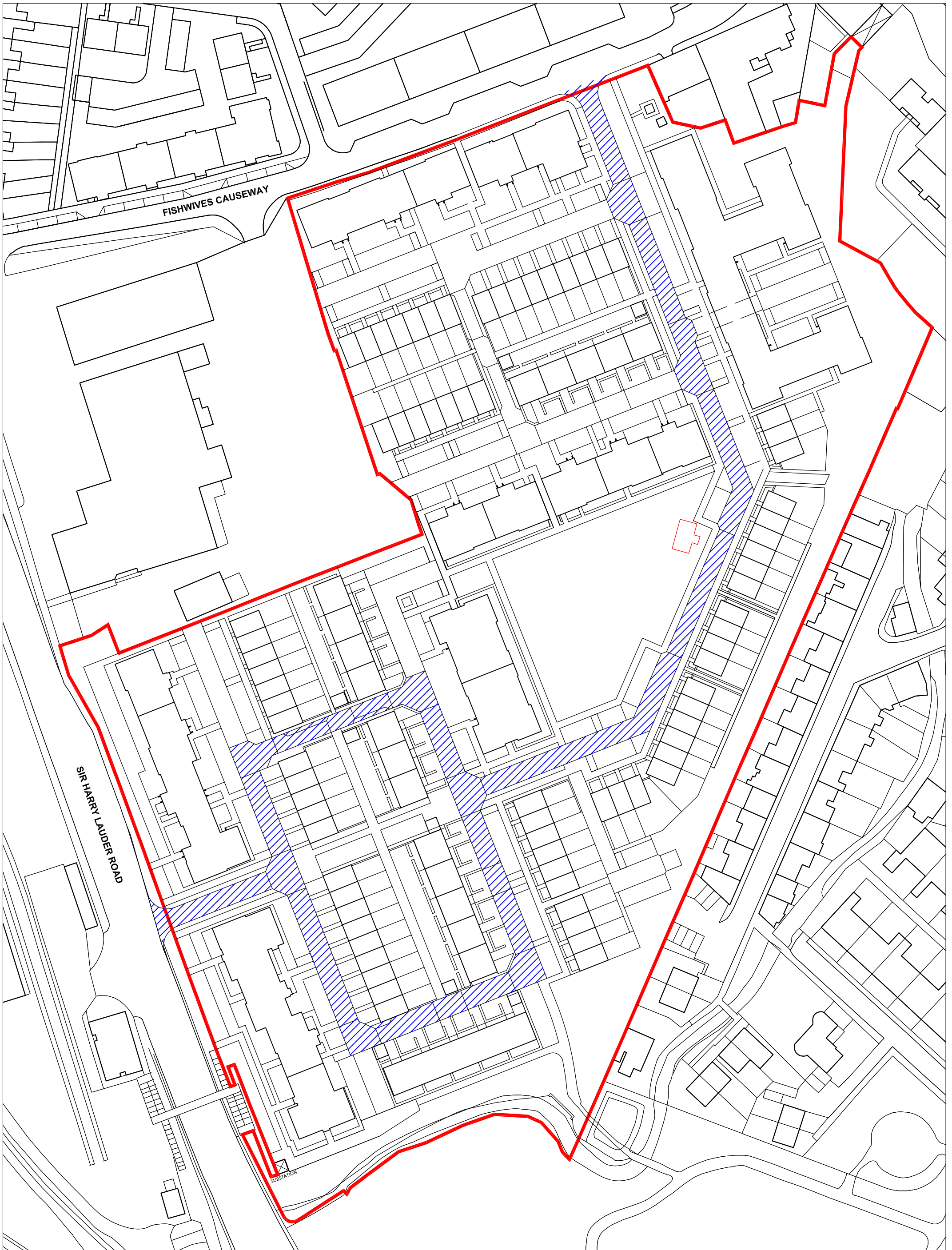
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Baileyfield South, Edinburgh

Barratt Homes

Extent of Proposed New Roads

Drawing Number:
TP498 Figure 4

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Development Management Sub Committee

Wednesday 15 August 2018

**Application for Planning Permission 17/05943/FUL
At 24 Dalmeny Street, Edinburgh, EH6 8RG
Change of use for Ukrainian Church yard to be used as a
street food and drinks market featuring art, crafts and music
(retrospective)**

Item number	4.3
Report number	
Wards	B12 - Leith Walk

Summary

The proposal does not comply with the Local Development Plan and the Council's Guidance for Businesses as the proposal would have a materially detrimental effect on the living conditions of nearby residents. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN03, LEN06, LHOU07, LRET08, NSG, NSLBCA, NSBUS, OTH, CRPLEI,
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Report

Application for Planning Permission 17/05943/FUL At 24 Dalmeny Street, Edinburgh, EH6 8RG Change of use for Ukrainian Church yard to be used as a street food and drinks market featuring art, crafts and music (retrospective)

Recommendations

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

Background

2.1 Site description

The site lies to the south of Dalmeny Street to the east of the Ukrainian church and forms the yard belonging to the church. The building is Category B listed and was listed on 13.03.1995 (Ref. LB 26716).

To the east of the site lies a 2 storey neo-Baroque former drill hall which has been converted to an arts and education centre and offices. The building is Category A listed and was listed on 13.03.1995 (Ref LB 26729). Residential properties lie beyond this and to the north.

This application site is located within the Leith Conservation Area.

2.2 Site History

10 November 2017 - An Enforcement case was received for unauthorised operational development for an unauthorised change of use from church yard to pop up bar, food market and music venue. (reference number 17/00634/ECO). The operation of this land as a street food/music venue has temporarily ceased and the case was closed on 16 July 2018.

Main report

3.1 Description Of The Proposal

The proposal is for an retrospective change of use of the yard as an open air street, food and drinks market featuring art, craft and music. The market is being operated by a community group called Off The Walk. The market has been running since August 2017 at weekends.

The supporting information states that events will be held on Saturdays from 12pm to 9pm and Sundays 2pm to 9pm.

The area is laid out with a series of stalls, a stage and bar with an area to display artwork. There are toilets to the rear of the site.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposals will have an adverse impact on the setting of the adjacent listed buildings;
- c) the proposals will have an adverse impact on the character or appearance of the conservation area;
- d) the proposal will cause unacceptable loss of residential amenity;
- e) the proposal affects road safety and car parking;
- f) any impacts on equalities or human rights are acceptable; and
- g) any comments raised have been addressed.

a) Principle of Proposal

The site lies within the urban area of the adopted Edinburgh Local Development Plan (LDP). The site is in a predominately residential area but is bounded on either side by non-residential uses.

The LDP seeks to create strong and sustainable communities and this proposal supports community activity and interaction.

LDP Policy Ret 8 Entertainment and Leisure Developments - Other Locations applies a sequential approach to the location of entertainment and leisure uses. Planning permission will be granted for entertainment and leisure developments on other locations provided:

- a) all potential City Centre, or town centre options have been thoroughly assessed and can be discounted as unsuitable or unavailable.
- b) the site is or will be made easily accessible by a choice of means of transport and will not lead to an unacceptable increase in road safety.
- c) the proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character.
- d) the proposal is compatible with surrounding uses and will not lead to a significant increase in noise disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents.

With regards to the proposals:

- a) no details have been provided to confirm whether all potential City Centre, or town centre options have been thoroughly assessed and can be discounted or are unavailable.
- b) the site is easily accessible by public transport and will not lead to an unacceptable increase in traffic locally.
- c) the proposal can be integrated satisfactorily into its surroundings as the stalls are positioned well within the site.
- d) the proposed use is compatible with surrounding uses as it lies between a church and a community and arts centre. A more detailed assessment of its impact on residential amenity is set out in section 3.3d).

LDP Policy Hou 7 Inappropriate Uses in Residential Areas does not support developments, including changes of use which would have a materially detrimental effect on the living conditions of nearby residents. This policy aims to prevent any further deterioration to living conditions in more mixed use areas which nevertheless have important residential functions.

The Council's Guidance for Businesses aims to support cafes, snack bars and other Class 3 uses in certain locations within the city. The proposal lies outwith a designated shopping centre and whilst bounded by commercial uses, there are residential properties close by.

A more detailed assessment of its impact on residential amenity is set out in section 3.3d).

b) Setting of Listed Building

The church has been designed to have a dynamic visual impact at the road junction. The temporary stage and the market stalls would be positioned within the courtyard in such a manner that the main elevations of the church and the neighbouring Drill Hall would not be distorted.

Historic Environment Scotland has been consulted on the proposals and has no concerns.

The proposal would not have an adverse impact on the setting of the adjacent listed buildings.

The proposal complies with LDP Policy Env 3.

c) Character and Appearance of the Conservation Area

The site lies within Leith Conservation Area where the Leith Conservation Area Character Appraisal emphasises *the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities.*

The conservation area is made of four sub-areas each with its own special characteristics and key elements. The site lies within Leith Walk which is characterised by its topography and setting, grain and density, streets and landmarks.

The site is presently screened from public view by high painted boards. When the event is taking place it would be open to view. Overall the proposal is not detrimental to the spatial form and characteristics of the street.

The proposal complies with LDP Policy Env 6.

d) Residential Amenity

There are residential properties located 21 metres from the site and a number of representations have raised concerns about noise and disturbance for nearby residents. It is an open plot without any physical structures to prevent noise and odour break-out and the proposed use could lead to existing residential amenity being negatively affected. The nature of the development could lead to on-street activity at unsocial hours to the detriment of living conditions.

Given the characteristics of the site, it would be difficult for this impact to be mitigated through appropriate conditions.

Environmental Protection does not support the proposal as it is likely to lead to increased noise and disturbance, particularly late at night resulting in a significant loss of residential amenity. A number of complaints have been made to licensing regarding noise pollution from the operation.

The proposal is not acceptable in terms of adverse impact on residential amenity and does not comply with LDP Policy Ret 8 or Policy Hou 7.

e) Road Safety

The site would be accessed from Dalmeny Street and is in an area where there is both unrestricted and restricted car parking. The proposals do not include any provision for car parking. The site is well served by public transport.

The proposal is satisfactory in terms of parking and traffic implications.

f) Equalities and Human Rights

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

g) Public comments

Material Considerations - objecting

- noise and disturbance particularly late in the evening - addressed in section 3.3a).
- parking issues - addressed in section 3.3e).

Material Considerations - supporting

- good area for events - addressed in section 3.3a).
- enriches the community - addressed in section 3.3a).
- good space for artists and entrepreneurs - addressed in section 3.3a).

Non-material

- devalues property prices.

Community Council

No comments were received.

Conclusion

Whilst the proposal may be compatible with the immediate neighbouring uses, it is located close to residential properties and given the physical characteristics of the site, the proposal would lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents which would not comply with the adopted Local Development Plan and the Council's Guidance for Businesses. The proposal will preserve the character of the conservation area and the setting of the listed buildings. There will be no adverse impact on traffic and road safety. There are no other material considerations which outweigh this conclusion to refuse planning permission.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposal would have a materially detrimental effect on the living conditions of nearby residents.

2. The proposal is contrary to Local Development Plan Policy Ret 8 in respect of the location of leisure developments because it would lead to an increase in noise disturbance and on-street activity at unsocial hours.
3. The proposals are contrary to development plan policy as interpreted using the non-statutory Guidance for Businesses as it will lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detrimental of living conditions for nearby residents.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 23 February 2018 and a total of 138 letters of representations were received. Fifteen objected to the proposals and seventy one supported. Fifty two did not include reasons for their representation.

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

Background reading/external references

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

**Statutory Development
Plan Provision**

The site lies in the urban area of Edinburgh Local Development Plan where it is designated as being within Leith Conservation Area.

Date registered

16 January 2018

Drawing numbers/Scheme

1-3,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP 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.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Other Relevant policy guidance

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

Appendix 1

Application for Planning Permission 17/05943/FUL At 24 Dalmeny Street, Edinburgh, EH6 8RG Change of use for Ukrainian Church yard to be used as a street food and drinks market featuring art, crafts and music (retrospective)

Consultations

Roads Authority Issues

No objections to the application

Environmental Protection

The applicant proposes the change of use of an open-air area adjacent to the church at 24 Dalmeny Street as a mixed use food and drink market with additional arts crafts and music. Adjacent to the east is a commercial property. Residential dwellings are across Dalmeny Street to the north, approximately 10m away.

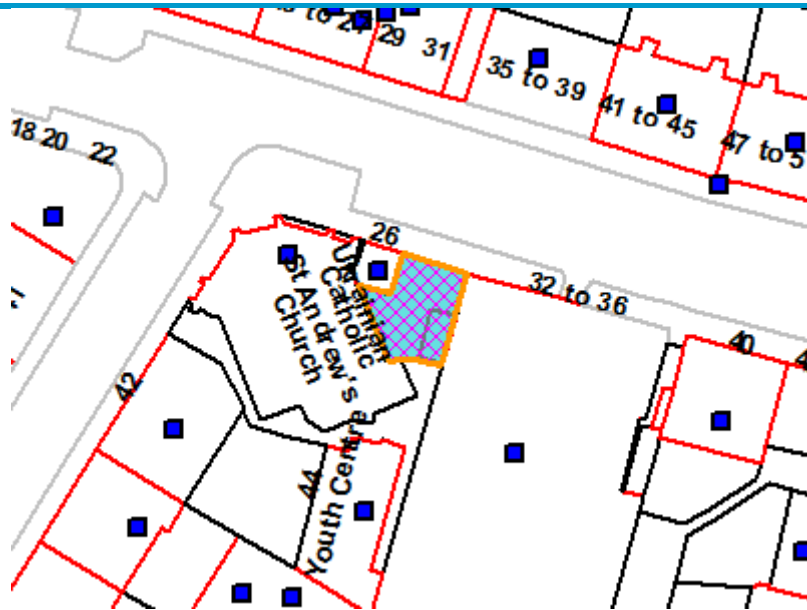
As the site is an open plot without any physical structures to prevent noise and odour break-out, the proposed use could lead to existing residential amenity being negatively affected. Environmental Protection understands that several complaints have already been made to the Licensing Team regarding noise from the site.

Due to the possibility of amenity be negatively affected by the breakout of patron/music noise and odours associated with the production of hot food, Environmental Protection recommends refusal of this application.

Historic Environment Scotland

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Location Plan



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END

Development Management Sub Committee

Wednesday 15 August 2018

Application for Planning Permission 18/00984/FUL At Garage 8 Metres West Of 2, Old Kirk Road, Edinburgh Demolition of an existing lock-up storage unit and construction of a two bedroom house (as amended).

Item number	4.4
Report number	
Wards	B06 - Corstorphine/Murrayfield

Summary

The proposal is acceptable in principle and is of a suitable design, form and scale which will not have an adverse impact on the character and appearance of the surrounding area. The proposal will not have an unacceptable impact on the amenity of neighbouring residents and does not raise any issues in respect of parking or equalities and human rights. The proposal complies with policies Hou 1, Hou 3, Hou 4, Des 1, and Tra 2 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance (EDG). The minor breach of policy Des 5 in respect of overshadowing is acceptable given that the increase in overshadowing to neighbouring properties will be marginal.

Links

Policies and guidance for this application	LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES05, LTRA02, NSG, NSGD02,
--	--

Report

Application for Planning Permission 18/00984/FUL At Garage 8 Metres West Of 2, Old Kirk Road, Edinburgh Demolition of an existing lock-up storage unit and construction of a two bedroom house (as amended).

Recommendations

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

Background

2.1 Site description

The site is a vacant flat roofed garage building located within a garden ground located on the southern side of Old Kirk Road. The site slopes steeply from north to south with the resultant effect that the front of the garage facing onto Old Kirk Road is a single storey. The garage increases in size as it proceeds southwards and has the appearance of a two storey building when viewed from the south. The associated garden ground extends in an L shaped configuration southwards and westwards. The site covers a total area of 185 square metres.

2.2 Site History

15 November 2000 - Planning permission refused to convert store below existing garage to form a garden flat. An appeal against this refusal was subsequently dismissed (application reference: 00/02835/FUL).

5 November 2015 - Planning permission refused for the demolition of the existing garage/workshop building and the construction of a two storey dwellinghouse. The proposal was refused on the grounds that it would have an adverse impact on the character of the surrounding area by way of its layout, scale, form and design, would result in the overdevelopment of the site; and would have an adverse impact on neighbouring amenity (application reference: 15/04177/FUL).

Main report

3.1 Description Of The Proposal

The proposal seeks planning permission for the demolition of the existing vacant garage and the construction of a new two bedroom detached dwellinghouse on the site. The new dwellinghouse will largely mirror the form, scale and footprint of the existing garage, appearing as a single storey structure at the front when viewed from Old Kirk Road while appearing as a two storey structure when viewed from the garden ground to the south. The house will have a footprint of 50 square metres and will incorporate a varied pitched roof design, with the principal (north) elevation measuring 3.35 metres above ground level and the rear (south) elevation measuring 5.9 metres in height at their highest points.

The rear elevation of the dwelling will consist of a weathered steel facade panel separating the ground and first floors, with larch reveals delineating the gable elevations and the roof. Larch reveals are also used to delineate the roof and gable elevations on the front elevation of the building. The spine wall on the rear elevation will be finished in white render, as will the spine wall situated on the principal elevation. The roof will consist of a dark grey standing-seam zinc cladding.

Two sections of glazing on the rear elevation and one on the front elevation will provide daylight to the habitable rooms. The windows will be grey aluminium clad double glazing units. The front door on the south elevation will be weathered steel.

Parking will be provided via the existing driveway which is accessed from Old Kirk Road.

Scheme One

The original application description was amended to more accurately describe that the proposal involved the demolition of the existing garage as opposed to its conversion.

Supporting Documents

The applicant has submitted the following supporting documents which are available to view via planning and building standards online services:

- Design Statement
- Existing and Proposed Light Study

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

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

- a) The proposal is acceptable in principle;
- b) The proposal is acceptable in respect of its design, form, scale, density and impact on the character and appearance of the surrounding area;
- c) The proposal will result in the creation of a satisfactory living environment;
- d) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) The proposal raises any issues in respect of parking;
- f) Any issues raised by objectors have been addressed, and
- g) The proposal raises any issues in respect of equalities and human rights.

a) Principle of the Proposal

Policy Hou 1 of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and the relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The site is designated as being within the urban area in the LDP. The proposal is acceptable in principle and complies with LDP Policy Hou 1.

b) Design, Form, Scale, Density and Impact on the Character and Appearance of the Surrounding Area

LDP Policy Des 1 states that planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character and appearance of the area around it. In addition, policy Hou 4 states that the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

The surrounding area is largely characterised by one and a half storey detached and two storey semi-detached dwellinghouses dating from both the pre-war and post war period. These buildings utilise a variety of different external materials including smooth render, roughcast and natural stone. Set within this streetscape, the proposed form of the dwelling would appear notably different from that of other dwellings in the surrounding area. However, the proposed dwelling utilises high quality build materials and has an imaginative and unique individual design which is of a high standard. The dwelling will also largely replicate the footprint and the height of the existing garage, with the resultant effect that the building would not represent the introduction of an incongruous feature into the streetscape. Furthermore, the visual quality of the building represents a significant improvement on the existing garage, which has a poor aesthetic quality which contributes little of note to the character of street.

The effective density level of the proposal is 53 dwellings per hectare. This is higher than the density level along the north and south sides of Old Kirk Road. However, the proposal forms a unique standalone development and is not part of a wider scheme. In addition, as described above, the development is replacing an existing building of a similar footprint and its overall impact on the established spatial character of the surrounding area will be minimal.

The proposal is appropriate in respect of its design, form, scale and density; and will not have a detrimental impact on the character and appearance of the surrounding area. The proposal complies with LDP policies Des 1 and Hou 4.

c) Creation of Satisfactory Living Environment

LDP policy Des 5 states that planning permission will be granted for development where future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The EDG outlines a recommended minimum floor area of 66 square metres for new two bedroom dwellings. The proposed dwelling will have a total habitable floor area of 66 square metres and accords with this requirement.

All of the habitable rooms within the building comply with the no skyline method as set out in the EDG and will receive an adequate amount of daylight.

LDP Policy Hou 3 states that, for flatted or mixed housing/flatted developments, a minimum of 20% of total site area should be useable green space. The proposal includes provision for 110 square metres of rear garden space which represents 58% of the total site area. This will ensure that prospective occupants have access to an acceptable level of amenity space. Existing boundary walls, fences and vegetation will ensure that occupants using the garden will have adequate privacy levels.

The proposal will result in the creation of a satisfactory residential environment and complies with policies Hou 3 and Des 5.

d) Impact on Amenity of neighbouring residents

LDP Policy Des 5 states that planning permission will be granted for development where the amenity of neighbouring developments is not adversely affected.

The potential of the proposal to cause overshadowing to neighbouring properties has been assessed in accordance with the parameters of the BRE Guide, 'Site Layout Planning for Daylight and Sunlight - A Guide to good practice'. A light study has been provided to demonstrate where overshadowing from the building will fall in relation to neighbouring properties and both the summer and winter solstices and spring and autumn equinoxes.

In regards to both neighbouring dwellinghouses, the level of adverse overshadowing which affects the garden grounds of both properties will be broadly in line with the current levels which are a result of the height of the garage. In respect of the premises to west, the study details that there will be a very small increase in overshadowing to the rear garden. The areas which will be affected consist predominantly of the section of land situated between the mutual boundary wall and the gable elevation of the premises and the front garden. In respect of the premises to the east, there will be a marginal increase in overshadowing to the main rear garden.

Both properties encompass sizeable rear garden areas. The premises to the west has a rear garden area of 413 square metres and the premises to the east has a rear garden area of 220 square metres. The majority of both gardens will remain unaffected by any overshadowing from the development.

The windows on the rear elevation will be situated 15 metres from the boundary with the neighbouring property to the south on Gordon Road and further than 25 metres from the rear elevation of this property. The window distance is broadly in keeping with that maintained between other properties located on Old Kirk Road and Gordon Road and sufficient to ensure that there is no adverse overlooking or detrimental impact on privacy levels.

The proposal will not have an adverse impact on the amenity of neighbouring residents. The minor infringement of policy Des 5 is acceptable given that the increase in levels of overshadowing will be marginal and the majority of the neighbouring garden areas will be unaffected.

e) Parking and Road Safety

LDP policy Tra 2 states that permission will be granted for development where proposed parking complies with the levels set out in Council guidance, but that lower provision will be pursued subject to whether there will be any adverse impact on the amenity of neighbouring occupiers through on-street parking; and the accessibility of the site to public transport stops on routes well served by public transport, shops, schools and centres of employment.

The premises is identified within the EDG as being within zone 3 of the Council's Parking Standards. The standards identify that new houses with four or more habitable rooms should not have more than two parking spaces. The proposal includes provision for one parking space which will be provided via the existing driveway and complies with the EDG parking standards.

The proposal does not raise any issues in respect of parking and complies with policy Tra 2.

f) Matters Raised in Representations

Material Representations - Objections

- Proposal is not acceptable in principle - addressed in section 3.3 (a).
- Proposal will result in loss of daylight and overshadowing for neighbouring residents - addressed in section 3.3 (d).
- Proposal will have an adverse impact on the privacy of neighbouring residents - addressed in section 3.3 (d).
- Proposal will have a detrimental impact on the character and appearance of the surrounding area - addressed in section 3.3 (b).
- Proposal will not result in the creation of a satisfactory residential environment - addressed in section 3.3 (c).
- Design, scale, height and density of the proposal are inappropriate - addressed in section 3.3 (b).
- Proposal raises issues in respect of parking provision - addressed in section 3.3 (d).

Non-Material Representations - Objections

- Proposal will result in an increased security risk for neighbouring properties.
- Proposal will result in a reduction in the value of neighbouring properties - The planning authority cannot take into account the impact of a proposal on private property values when assessing its acceptability.
- Noise from plumbing fittings incorporated into the new dwelling.
- The description of the proposal is not accurate as it involves the demolition of the building and the construction of a new dwelling, not a conversion - The application description has been amended and now provides a clearer description of the proposed works.
- The proposal will be built up to existing boundaries and no discussions have taken place regarding access rights to neighbouring properties in connection with maintenance of the structure - access rights are a civil matter and cannot be controlled by the planning authority.

- The drawings submitted are incorrect or incomplete - The drawings and information which have been submitted have been assessed and the planning authority is satisfied that they provide an accurate description of the development and are sufficient to assess its impact on the surrounding area.
- Use of 'architect speak' and 'jargon' in supporting documents.
- Proposal could create a precedent for similar development in the local area - The Scottish Planning System does not include material provision for the concept of precedent. Each application is assessed on its own individual merits.
- Storage of wheelie bins on the driveway - Wheelie bins and moveable bins do not constitute development under section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). The planning authority cannot control or restrict their placement.
- Sewage disposal from the site - Arrangements for the connection of the site to the mains sewer system is a matter which should be addressed with Scottish Water prior to the occupation of the development.

g) Equalities and Human Rights

The proposal has been assessed and raises no issues in respect of equalities and human rights.

Conclusion

In conclusion, the proposal is acceptable in principle and is of a suitable design, form and scale which will not have an adverse impact on the character and appearance of the surrounding area. The proposal will not have an unacceptable impact on the amenity of neighbouring residents and does not raise any issues in respect of parking or equalities and human rights. The proposal complies with policies Hou 1, Hou 3, Hou 4, Des 1, and Tra 2 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance (EDG). The minor breach of policy Des 5 in respect of overshadowing is acceptable given that the increase in overshadowing to neighbouring properties will be marginal.

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

3.4 Conditions/reasons/informatives

Conditions:-

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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Neighbouring residents were notified of the application on 15 March 2018. Seven letters of objection were received in respect of the proposal and a full assessment of the representations can be found in section 3 of the main report.

Background reading/external references

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

Statutory Development

Plan Provision

The site is located in an urban area in the adopted Edinburgh Local Development Plan (LDP).

Date registered

7 March 2018

Drawing numbers/Scheme

01 - 07,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: James Allanson, Planning Officer

E-mail:james.allanson@edinburgh.gov.uk Tel:0131 529 3946

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

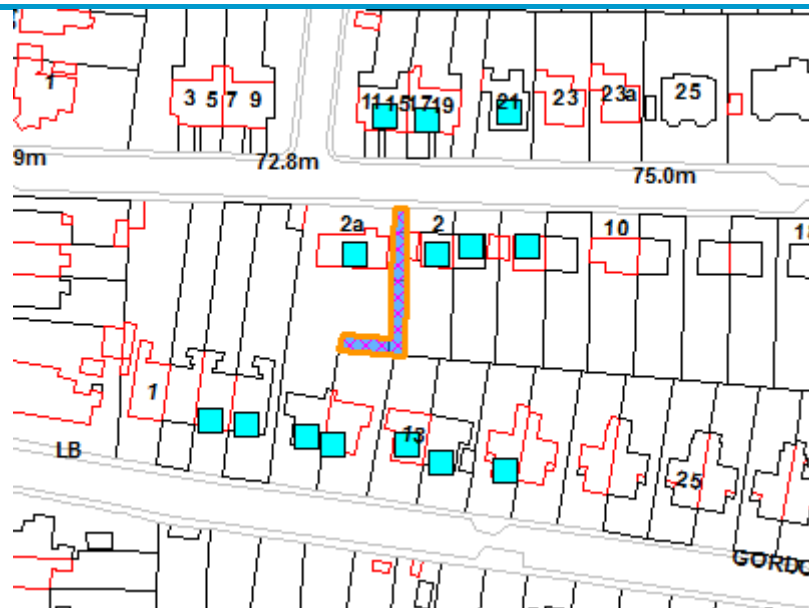
Appendix 1

**Application for Planning Permission 18/00984/FUL
At Garage 8 Metres West Of 2, Old Kirk Road, Edinburgh
Demolition of an existing lock-up storage unit and
construction of a two bedroom house (as amended).**

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

Wednesday 15 August 2018

**Application for Listed Building Consent 18/02501/LBC
At 24 Rankeillor Street, Edinburgh, EH8 9HY
Internal alterations to create new kitchen, bathrooms and
dressing space and form new rear garden staircase access
and alter existing rear door to form a window.**

Item number	4.5
Report number	
Wards	B15 - Southside/Newington

Summary

The proposals will adversely harm the character of the building and the works are not justified. The works will not preserve or enhance the character of the conservation area. The proposals are contrary to the objectives of policy Env 4 and Env 6 in the Edinburgh Local Development Plan and do not comply with the non-statutory guidance. It is recommended that listed building consent is refused.

Links

[Policies and guidance for this application](#) LDPP, LEN04, LEN06, NSG, NSLBCA,

Report

Application for Listed Building Consent 18/02501/LBC At 24 Rankeillor Street, Edinburgh, EH8 9HY Internal alterations to create new kitchen, bathrooms and dressing space and form new rear garden staircase access and alter existing rear door to form a window.

Recommendations

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

Background

2.1 Site description

The property is a three bedroom maisonette, comprising of the basement and ground floor which forms part of a classical Georgian tenement building with five floors. The property is located on the north side of Rankeillor Street with Clerk Street to the east.

Properties No.8-52 Rankeillor Street are category B listed (date of listing: 14/12/1970, reference: LB29605).

This application site is located within the Southside Conservation Area.

2.2 Site History

18 May 2018 - Application for listed building consent for internal alterations to create new kitchen, bathrooms and dressing space. New rear garden staircase access with new patio door withdrawn (reference, 17/05991/LBC).

18 May 2018 - Application for planning permission for new rear garden staircase access with new patio door withdrawn (reference, 17/05990/FUL).

06 August 2018 - Planning permission refused to form new rear garden staircase access and alter existing rear door to form a window (18/02500/FUL).

Main report

3.1 Description Of The Proposal

Proposal

The application seeks to carry out a number of alterations to the existing property. It seeks to:

- relocate the existing basement kitchen to the rear room on the ground floor. The new kitchen units are to be set away from the existing timber panelling and door of that room;
- form a new timber and steel staircase to provide rear access to the garden from the ground floor. The cil level from one window opening is to be dropped to provide this rear access;
- form a new doorway opening to existing bathroom on the ground floor;
- replace the existing uPVC door on the rear basement level with a painted sash and case window to match the existing. The cil below the new window is to be infilled with stone to match the existing; and
- convert the existing pantry on basement level to form a new bathroom.

A Planning Design Statement was submitted and this is available to view on the Planning and Building Standards online portal.

3.2 Determining Issues

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

3.3 Assessment

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

- a) the proposals will impact on the character of the listed building;
- b) the proposal will impact on the character or appearance of the conservation area; and
- c) any matters raised in representations have been addressed.

a) Listed Building

Policy Env 4 in the Edinburgh Local Plan states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the building's interest; and any additions would be in keeping with other parts of the building.

With regards to the proposed relocation of the existing kitchen, the non-statutory 'Listed Buildings and Conservation Areas' guidance states:

"New kitchens will generally not be acceptable in principal rooms and must not obscure any architectural detailing..."

The room where the proposed new kitchen is to be located was found to possess a number of features of architectural importance, including a central fireplace, Edinburgh Press cupboard, decorative cornices, original sash and case window with shutters, two symmetrically positioned doors on one wall and dado panelling on all sides.

The proposed kitchen units will be set away from the wall to preserve the existing timber panelling. However, the kitchen units would be fixed to the floor thus obscuring the existing timber panelling and will cut across one existing door. These works will have a detrimental impact on the character of the room. Therefore, the proposal to relocate the kitchen to that room is not supported as the works will result in a diminution of the building's interest.

The proposal to form a door opening on the ground floor and to install an external staircase to the rear of the building do not comply with the 'Listed Buildings and Conservation Areas' guidance which states:

There is a general presumption against the introduction of external access stairs on any elevation. External access stairs may be acceptable in exceptional circumstances where there is a pattern of original access stairs established relevant to the elevation(s) in question and this can be fully supported by an historic building analysis...

When buildings are in single occupancy and there is an existing door at either ground floor or basement level, an access stair at upper levels will not normally be permitted...

The garden to the rear of the property is accessed via a door on the basement level through the existing kitchen. No established patterns of original staircases were found on this listed building and no historic analysis of the building was provided.

The formation of a door opening on the ground floor level and above the basement will adversely alter the proportions and details of the existing traditional sash and case window openings which plays an important role in establishing the character of the buildings elevation. The proposed door opening will not be in-keeping with the established fenestration pattern and will result an unbalanced composition to the detriment of the character of the listed building.

The proposed alterations will not have an adverse effect on the beneficial use of the building, as the successful use of the building as a dwelling will work without these alterations. The building is not under threat. But the proposals will adversely affect the special interest of the building.

The remainder of the proposed alterations which seeks to install a doorway to existing bathroom on ground floor, replace the basement door with traditional sash and case window and the conversion of pantry to a bathroom will not impact on the character of the listed building.

b) Conservation Area

Policy Env 6 in the Edinburgh Local Development Plan requires proposals to preserve or enhance the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The property is located within the South Side Conservation Area. The character appraisal states the following:

The majority of this area is from the Georgian era beginning with St Patrick Square which was begun in 1800 to a unified scheme. Clerk Street begun in 1810 continues the line of Nicolson Street. These droved, ashlar fronted tenements continue into Montague and Rankeillor Streets. Development in the latter street was halted in the 1830's and picked up again in the 1860s... Despite the variety of architectural styles and periods which are evidenced the area remains generally harmonious in scale, massing and materials..

The proposed formation of a door opening and installation of the staircase will not preserve or enhance the character of this classical tenement building. The works are not characteristic of the listed tenement buildings on this street and will harm the character of the conservation area.

The works will not be visible from public views and will have a limited impact on the appearance of the conservation area.

c) Comments raised in representations

Material Representations- Objection

- Blocking the dado panelling and door without attachment would obscure the original architectural detailing that is essential to design and proportions of the room - Addressed in Section 3.3 (a).
- Staircase will adversely impact the balance of the rear elevation- Addressed in Section 3.3 (a).
- Works will be detrimental to the original fabric of the building- Addressed in Section 3.3 (a).
- The proposals are contrary to the policies in the Edinburgh Local Development Plan- Addressed in Section 3.3 (a) and (b).
- The proposals are contrary to the non-statutory guidance- Addressed in Section 3.3 (a) and (b).

Material Representations- Support

- Internal alterations will create more liveable and useable family space - Addressed in Section 3.3 (a).
- Staircase design is neutral and will not be visible from public views- Addressed in Section 3.3 (a) and (b).

Non Material Representations- Support

- Similar alterations carried out elsewhere has provided convenient access to rear gardens, proved useful and is compatible with modern lifestyle;
- Reference to No. 20a, 16 and 18 Rankellier Street and issue of precedent;
- Reversibility of the proposed works;
- The works will not affect the amenity of others;

- Planned changes will provide more habitable solutions and permanent residency in the area;
- Reference to student housing, HMO and short-term lets in the area with recent applications to subdivide dining/kitchens to create additional bedrooms;
- Adaptations of city properties are required to facilitate family life;
- Previous occupants moved as property did not work as a family home;
- Demographic issues/pressures of the area - communities would benefit from flexibility to make alterations to home without loss to diversity and area needs families like the applicants; and
- No direct objections from neighbours.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the works will diminish the character of the listed building and the alterations are not justified.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the works will not preserve or enhance the character of the conservation area.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposed alterations will adversely harm the character of the listed building.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 15 June 2018 and the proposal attracted 24 letters of representations. Twenty three were letters of support and one letter of objection. The comments made are addressed in the Assessment section of the report.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 1 June 2018

Drawing numbers/Scheme 01-07.,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail:laura.marshall@edinburgh.gov.uk Tel:

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Listed Building Consent 18/02501/LBC At 24 Rankeillor Street, Edinburgh, EH8 9HY Internal alterations to create new kitchen, bathrooms and dressing space and form new rear garden staircase access and alter existing rear door to form a window.

Consultations

Historic Environment Scotland

Our Advice

We commented on a similar application for internal alterations in January, which we understand was subsequently withdrawn. We can clearly see how our previous comments have been reflected in the new application, which we welcome. While it would still be preferable to see island units installed in the kitchen, avoiding units along the wall, and the retention of the doorway in use, we recognise the existing panelling will be retained and that overall the revised kitchen layout is improved.

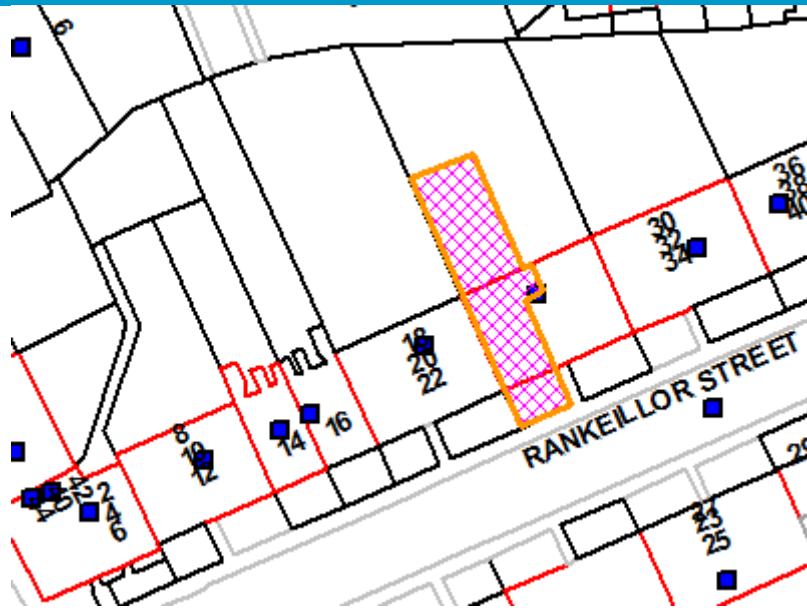
Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Location Plan



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Development Management Sub Committee

Wednesday 15 August 2018

**Application for Planning Permission 18/01088/FUL
At 30 Wright's Houses, Edinburgh, EH10 4HR
Improvements to the surfacing/entry to the grassed area and
erection of a golfing starter's hut.**

Item number	4.6
Report number	
Wards	B11 - City Centre

Summary

The proposal does not fully comply with all relevant policies of the Edinburgh Local Development Plan. There is a minor infringement of policy Des4 on making a positive impact to its surroundings. However, this is a small scale development and the infringement is minor and does not justify refusal. There is no adverse impact on the character and appearance of the conservation area and the design is of an appropriate standard.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES03, LDES04, LEN06, LEN18, NSG, NSLBCA, CRPMAR,
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Report

Application for Planning Permission 18/01088/FUL At 30 Wright's Houses, Edinburgh, EH10 4HR Improvements to the surfacing/entry to the grassed area and erection of a golfing starter's hut.

Recommendations

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

Background

2.1 Site description

The application site is a 262 sq.m area of grass opposite the Golf Tavern public house on the west side of Bruntsfield Links. The application site includes the road from the Golf Tavern to the grassed area. The site is owned by the Council and used as a short-hole golf course.

There is an existing golf course green hut located to the north of the site which is used as a greenkeeper's store.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application is for the erection of a replica green hut to match the one to the north of the site. It will be used for the storing and hiring of golf clubs and balls to service the existing putting green/ short-hole golf course. These are currently hired from the Golf Tavern. The hut is 2.9 metres wide and 4m high and of octagonal form with a pagoda-style roof. The hut will match the existing nearby hut in terms of scale, design and materials, being largely a timber construction (painted green) with a GRP roof.

Although the application also illustrates surfacing improvements in the access from the public road to the area, these alterations do not require planning permission if considered independently (they do however require consent from the Council as landowner).

Supporting Statement

The applicant has submitted a supporting statement confirming that the hut will make it easier for those with young children or mobility problems to hire clubs and balls - currently they have to enter the public house.

This document is available to view on Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

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

- a) the proposed structure is acceptable in principle;
- b) the proposed structure affects the character and appearance of the conservation area;
- c) the proposed structure is of a high standard of design;
- d) there are other matters which are material planning considerations; and
- e) representations have been addressed.

a) The Principle of Development

The site is designated open space and policy Env18 presumes against its loss provided certain criteria are met. There is no change of the use of the land and the only development is the erection of the hut which will serve the existing short hole golf course. The physical loss of "open space" amounts to under 8.5 square metres and is insignificant in terms of the wider open space. In terms of the criteria identified in policy Env18, there will be no significant impact on the quality or character of the local environment; the area is a small part of the wider open space; and the loss would not be detrimental to the wider open space network. The hut is operational development (i.e. a building operation) to improve a local facility and therefore has local benefits. The proposal complies with policy ENV18.

In terms of the objections raising concerns about the use of the land and the potential commercial exploitation of the site, there will be no change in ownership and the land will remain in Council ownership and control. The proposal is purely for operational development connected to the current recreational use and not change of use so while the hut will be privately run, the land on which it sits will still be in Council ownership. The Council's Parks, Greenspace and Cemeteries service has indicated it has no objections to the hut and has advised it may enhance the visitor experience to this historic park.

The principle of development is therefore acceptable subject to compliance with other LDP policies and statutory tests.

b) Impact on the Conservation Area

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the *well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.*

Policy Env 6 of the LDP - Conservation Areas - Development, considers the impact of proposals on the character and appearance of the conservation area. Again this policy is criteria based. In terms of whether the proposed hut preserves or enhances the character and appearance of the conservation area, the character appraisal emphasises that Bruntsfield Links forms one of the most important areas of recreational open space in Edinburgh and over the years it has provided a range of activities. The small scale nature of this development to serve the existing golf course use is compatible with this characteristic and the careful design to match the existing hut means that there will be no adverse impact on either the character or the appearance of the conservation area.

The proposals comply with policy Env6.

c) Design Issues

LDP policies Des1, Des3 and Des4 promote design concepts which draw upon the positive characteristics of the surrounding area. The hut has been sensitively located on the edge of the links and designed to match the traditional form, height and materials of the existing hut to the north. As such it constitutes high quality design which builds upon the existing characteristics of the area. Policy Des4 requires development to have a positive impact on its surroundings and given the settled character of this area, it will appear as an obvious new structure on the links. However, given the small scale of the development, it will, through time, merge with the landscape and be seen as a companion building to the existing hut. A minor infringement of policy Des4 is therefore justified.

d) Other Matters

The elements relating to improved access into the park from the public road do not require planning permission. Nevertheless, the creation of the access steps will result in a safer pathway from the road to the grassed area and this is supported by Parks, Greenspace and Cemeteries. As there is no change of use of the land, comments relating to noise pollution, parking and intensification of use are not material planning considerations in this case. Given the small scale nature of the proposals, there will be no adverse impacts on amenity, privacy or wider public views.

The matter of legal restrictions is not a material planning consideration. It will be for the applicant to ensure they have the legal entitlement, including a lease from the Council, before proceeding with any development. Should this lease be granted, matters such as the care of the grass would be for Parks, Greenspace and Cemeteries to advise upon. Legal impediments do not inhibit the consideration of the planning application. The applicant's agent has confirmed that they do not intend to proceed with the proposal to use the site identified in the planning application as an overspill for the Golf Tavern Public House.

e) Representations

Material Representations - Objection

- Loss of open space - addressed in section 3.3 a) of the assessment.
- Impact on amenity - addressed in section 3.3d) of the assessment.
- Impact on the conservation area - addressed in section 3.3b) of the assessment.
- Loss of privacy - addressed in section 3.3d) of the assessment.
- Privatisation of public space - addressed in section 3.3d) of the assessment.
- Noise Pollution - addressed in section 3.3d) of the assessment.
- Impact on access and pedestrian safety - addressed in section 3.3d) of the assessment.
- Intensification of use - addressed in section 3.3d) of the assessment.
- Impact on parking - addressed in section 3.3d) of the assessment.

Non-Material Representations - Objection

- Privatisation of public land.
- Applicant does not own the land.

- Legal restrictions to building on the open space (1991 Confirmation Act).
- Use of the land for drinking.
- No need for a second hut.
- Loss of view.
- Commercial use.
- Setting a precedent.
- Intensifying the use of the pub.
- Serving food and drinks on the public area.
- Litter.
- Damage to grass.

Material Representations - Support

- Improvements to the access.
- Encouraging outdoor activities.
- Improvement to the amenity.

Tollcross Community Council

Comments addressed the privatisation of public space, and the relevant legislation which prohibits certain development on the Links and Meadows (Confirmation Act of 1991).

Merchiston Community Council

Comments addressed the loss of amenity the hut would cause, the site area boundary and the impact on the view.

Conclusions

In conclusion, the erection of the hut is a small scale development and, whilst there is a minor infringement of policy Des4, overall there would be no adverse impacts and there are material planning reasons for approving the proposals.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The granting of Planning Permission does not absolve the applicant from obtaining other necessary consents including the requirements of the Edinburgh Confirmation Order Act and consent from the Council as landowner.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There would be a financial return to the Council for the use of its land.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 22 March 2018. Seventy-six representations were received: 69 in objection and seven in support. Tollcross Community Council objected. One local councillor and one MP also communicated the concerns of their constituents.

The matters raised are assessed in the Assessment section of the report.

Background reading/external references

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

Statutory Development

Plan Provision

The site lies within an urban area as defined within the Local Development Plan.

Date registered

14 March 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail:nancy.jamieson@edinburgh.gov.uk Tel:0131 529 3916

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

Relevant Non-Statutory Guidelines

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

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

Appendix 1

Application for Planning Permission 18/01088/FUL At 30 Wright's Houses, Edinburgh, EH10 4HR Improvements to the surfacing/entry to the grassed area and erection of a golfing starter's hut.

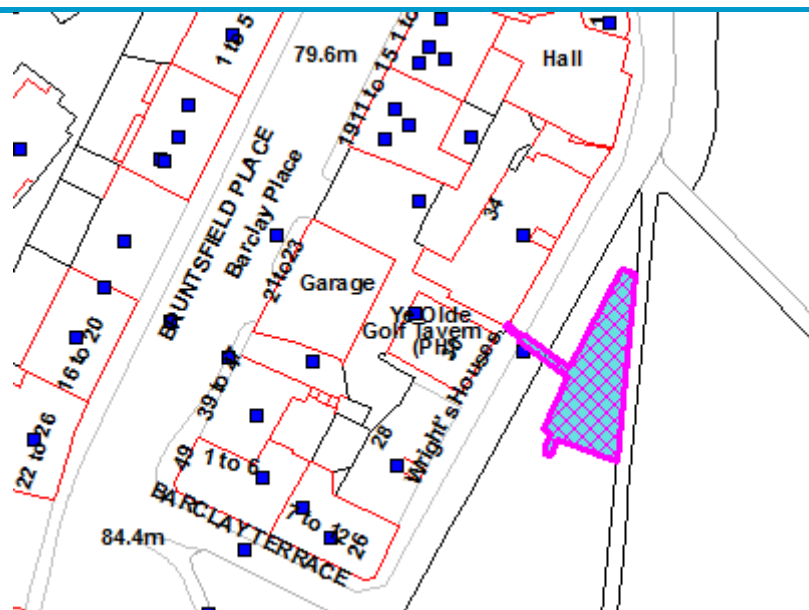
Consultations

Parks, Greenspace and Cemeteries

I can confirm that Parks, Greenspace & Cemeteries has no objection to the addition of a suitably designed golf starters hut (to house and give out golf clubs and balls) on Bruntsfield Links. Neither do we have an objection to the addition of steps to aid access to the Links from opposite the Golf Tavern. Indeed, both may enhance the visitor experience to this historic park.

However, it is worthwhile noting that the construction and operation of a new golf hut will require a lease from Parks, Greenspace & Cemeteries.

Location Plan



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END

Development Management Sub Committee

Wednesday 15 August 2018

**Application for Planning Permission 18/01055/FUL
At Site 72 Metres South Of 4A, Oxfangs Green, Edinburgh
Development of 85 affordable dwellings (79 flats and 6
houses) with all other associated infrastructure, roads,
parking, public realm and landscape areas.**

Item number	7.1
Report number	
Wards	B08 - Colinton/Fairmilehead

Summary

The redevelopment of this neglected and under-utilised urban site will deliver much needed housing, all of which is proposed to be affordable. Part of the development is contrary to the Development Plan, in that it would develop a small area currently designated as open space.

At the same time improvements will be made with regard to enhanced permeability and connectivity through the site with upgraded and improved access to open space. It is considered that the loss of part of the site's open space, whilst opening up the remainder for public uses, justifies a minor departure from the Development Plan in this instance.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN03, LEN04, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA01, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, LRS01, LRS06, NSG, NSGD02, NSHAFF,

Report

Application for Planning Permission 18/01055/FUL At Site 72 Metres South Of 4A, Oxgangs Green, Edinburgh Development of 85 affordable dwellings (79 flats and 6 houses) with all other associated infrastructure, roads, parking, public realm and landscape areas.

Recommendations

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

Background

2.1 Site description

The application site is the former Hunter's Tryst Primary School site, situated to the south of Oxgangs Avenue, between Oxgangs Green and Oxgangs Rise.

The site measures 1.49 ha in area and is undulating. There is a level change of approximately 10 metres dropping down from the south to the north across the site.

On the northern eastern boundary of the site lies the Kingdom Hall of Jehovah Witness. Four storey flats fronting Oxgangs Avenue with rear drying greens lie on the north western side of the site. Two storey semi-detached dwellings run up the western side of the site fronting Oxgangs Rise. To the south of the site lies an area of open space, beyond which lies Pentland Primary School. To the east two storey detached houses sit in an elevated position off Oxgangs Green.

The site has been cleared of the old school and has some mature trees and unmanaged scrub and hedge. Some steps and hard standing relating to the school use remain.

A water pipe line runs along the eastern side of the site, this feeds into Comiston Springs Waterhouse. Two late 17th century category B listed structures (LB ref 27964, 14 Dec 1970) sit above the pipeline. These are rectangular dressed stone buildings, listed in respect of their relationship to the first piped water system in Edinburgh.

The site is currently bound by a metal fence.

2.2 Site History

31 August 2009 - A proposal of application notice was lodged for "Development of affordable housing with associated roads, parking, infrastructure and landscaping", by Dunedin Canmore Housing Association (reference number 09/02224/PAN).

5 September 2016 - A proposal of application notice was lodged for "Residential development consisting of 70-80 units of affordable housing with associated roads, parking, infrastructure and landscaping" by Hopefield Partnerships (reference number 16/04446/PAN).

7 June 2017 - Application for Listed Building Consent to " Remove metal fencing, re-point wellheads and replace stones where missing, bricked-up doorways to be rendered, step access to be covered with metal grille" - decision pending (reference number 17/02621/LBC).

4 September 2017 - An application for full planning permission was withdrawn for the Development of vacant site of former Hunter's Tryst Primary School to 80 affordable housing with associated roads, parking, infrastructure and landscaping (as amended).

26 September 2017 - A Proposal of Application Notice was lodged for "Development of affordable housing (between 70 to 90 units) with associated roads, parking infrastructure and landscaping".

13 March 2018 - Application for Listed Building Consent to "Replace and re-align a Below Ground Culvert" - decision pending (reference number 18/01072/LBC).

Main report

3.1 Description Of The Proposal

The application proposes 85 affordable homes, in the form of 79 flats and 6 houses on the site of 1.4ha.

The proposal would be accessed from the existing vehicular access point off Oxgangs Green in the east.

The development takes the form of a series of blocks focussed around a central area of open space.

Block 1 - 3 units per floor x 3 storey = 9 units (316sqm open space);

Block 2 - 3 units per floor x 3 storey = 9 units (Block 2 and 3 share 1164 sqm of open space);

Block 3 - 4 units per floor x 3.5 storey = 16 units (Block 2 and 3 share 1164 sqm of open space);

Block 4 - 7 units per floor x 3 storey = 21 units, older persons accommodation measuring 66sqm to 87sqm in size (1732 sqm open space);

Block 5 - 2 storey semi-detached = 6 houses (653 sqm garden space);

Blocks 6 and 7 - 24 flats measuring 54.8 sqm to 115 sqm (471 sqm open space).

The total private garden area would equate to 4370 sqm, the total public amenity space would be 2990 sqm. The total useable green space would be 7360 sqm (49%) of the total site area.

The buildings would be of traditional design with pitched roofs. Full ceiling to floor windows are proposed on many elevations along with juliette balconies. The buildings would be finished in white render with buff brick panels, mid grey windows and doors, anthracite upvc rainwater goods and anthracite concrete tiles.

The mix of the proposed units has been established to meet the demand as advised by Castle Rock Edinvar and comprises one and two bedroom flats, three bedroom houses and a single 3 bedroom flat designed to meet accessibility requirements. The site will be retained fully in the ownership of Castle Rock Edinvar, and all units will be rented as affordable, mid-market or elderly accommodation.

An underground culvert associated with historic wellheads will be replaced and re-aligned as part of the proposals. A listed building application (reference number 18/01072/LBC) has been submitted in parallel to this planning application.

Proposed accommodation schedule

Affordable

1 bed/2 person flat - 5 no.
2 bed/4 person flat - 27 no.
3 bed/5 person flat (DDA) - 1 no.
3 bed/6 person semi-detached house - 6 no.
Total - 39

Mid-market rent

1 bed/2 person flat - 4 no.
2 bed/4 person flat - 21 no.
Total - 25

Older persons

2bed/3 person flat - 12 no.
2bed/4 person flat - 9 no.
Total 21

Overall 85 units are proposed.

65 car parking spaces are provided.

A 0.9 metre high hedge is proposed around the eastern side of the site. Hedging is used to delineate public and private space. An orchard is proposed in the north western corner for the use of local residents. The central amenity space will accommodate the SUDs tank underground.

Pedestrian connections are provided east to west through the site, with the existing pedestrian access link to Oxgangs Rise in the west being utilised.

Cycle stores are provided at 200% which consists of enclosed cycle stores serving blocks 1,2,3,6 and 7. Block 4 flats have internal storage for mobility scooters within each flat, serviced by a lift with additional scooter stores on the ground floor.

Density will be 58 units per hectare. Directly to the east the density is 46 units per hectare and to the west and north 54 units per hectare. Higher density housing exists along the main road, Oxgangs Avenue, at 92.6 dwellings per hectare.

Listed Buildings

There are two listed buildings on the site which are original wellheads named Peewit 1 and Peewit 2. These are incorporated into the site layout, and are proposed to be unfenced and positioned in a landscape setting.

Peewit 1 is positioned close to the proposed safe route to school accessing onto Oxgangs Green and would have an interpretation schedule.

Peewit 2 is accessed by a featured stepped area and will enjoy an open outlook to the Pentlands in the south.

A listed building application (reference number: 18702621/LBC) has been submitted with regard to these listed buildings.

In support of the application the following documents have been submitted:

- Pre-application consultation report;
- Design and Access Statement;
- Landscape Design Strategy and proposals;
- Green Landscape Heritage Statement;
- Landscape Heritage Statement;
- Transport Statement;
- Swept Path Analysis;
- Flood Risk Assessment;
- Surface Water Management Plan;
- Photomontages;
- Tree Survey (revised 15 May 2018);
- Daylight Privacy and Sunlight Study;
- Sustainability Statement; and
- Phase 1 Habitat and Protected Species Survey.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

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

- a) the principle of the development is acceptable;
- b) the proposal will preserve and enhance the setting of the listed buildings on the site;
- c) the proposal will detrimentally affect flooding;
- d) the proposed scale, design and materials are acceptable;
- e) the amenity of neighbours or occupiers of the new development;
- f) access arrangements are acceptable in terms of road safety and public transport accessibility;
- g) the impact upon trees;
- h) the proposal will affect the biodiversity of the area;
- i) the proposal meets the sustainable standards in the Edinburgh Design Guidance;
- j) material representations or community council comments raise issues to be addressed;
- k) the proposals have any equalities or human rights impacts; and
- l) there are any other infrastructure requirements that should be considered.

a) Principle

The majority of the site is within the Urban Area in the Edinburgh Local Development Plan (LDP). A small section of land in the south eastern corner of the site is subject to open space policies of the LDP.

Criterion d), in part 1 of LDP policy Hou 1, gives priority to the delivery of housing on sites in the Urban Area, subject to compatibility with other policies in the LDP. Housing at this site is consistent with LDP policy Hou 1.

The principle of affordable housing on the site is acceptable subject to complying with policies in the LDP. LDP Policy Hou 6 Affordable Housing requires that a minimum of 25% affordable housing is provided within a development of this scale. In this proposal 100% of the 85 units would be provided as affordable housing, which satisfies and exceeds the policy requirement. The affordable housing shall be secured through a suitable legal agreement.

The key aim of Government policy is that affordable housing should address the full range of housing need, including family housing where appropriate and providing housing for varying needs. The application proposes 7 units which could accommodate families. These would all be affordable housing, however the provision falls short of the 20% provision set out in the Edinburgh Design Guidance.

The applicant is working with a particular affordable housing provider that advises on the housing demand in the area. In this regard the scheme responds to the demand for affordable homes for elderly residents in this locality by providing 21 units specifically designed for older persons. The proposed flats, family housing and housing for the elderly is meeting local demands and is supported by CEC Housing, and accords with LDP policy Hou 2 Housing Mix.

The Edinburgh Design Guidance (EDG) advises that in order to ensure a good standard of overall amenity, single aspect dwellings should not make up more than 50% of the overall dwelling numbers. These standards are met.

A southern portion of the site is allocated as open space in the LDP. The southernmost block allocated for elderly persons falls partly within this designated area. The remainder of the open space will be retained.

Having regard to LDP policy Env 18 Open Space Protection, it is recognised that this area previously fell within the school playground and is a small part of a wider area of open space. The proposal will result in the creation of some new areas of open space as part of the development, including the central area which will be accessible to the wider community.

The Category B listed wellhead which is located at the south of the site and within the designated open space will remain within a landscaped area. The loss of the area of open space to residential development and associated garden space will not be detrimental to the wider network including its continuity or biodiversity opportunities. A minor departure from LDP policy Env 18 is therefore acceptable in this instance.

The principle of housing on this site is acceptable. A legal agreement is recommended to ensure that at least 25% of the dwellings are secured as affordable. The applicant is in agreement with this approach.

b) The proposal will preserve and enhance the setting of the listed buildings on the site, and protect the site archaeology

The two Category B listed wellheads located to the eastern half of the development site date from the 17th Century. The wellheads sit on top of an historic, but still live, culvert that runs through the site from the north-east corner to the south. The system was Edinburgh's first public piped water supply and has been defunct since 1945 according to Historic Environment Scotland. The wellheads are situated on third party land.

The wellheads are currently accessed by Scottish Water via existing footpaths. The applicant has submitted a Wellhead Heritage Proposals Report in support of the proposal. The Report identifies that both wellheads are in poor condition and that the surrounding landscaping is overgrown and poorly maintained. Until post 1963 the site and its surrounds were farmland. Local Authority housing development followed and by 1980 the site was hosting Hunter Tryst Primary School, with the wellheads set in the school playground. The applicant's photographic survey shows the structures to have poorly maintained stone work and unsympathetic use of brick to fill in the entrance.

The application proposes improvements to the wellheads subject to agreement of third party ownership and obtaining listed building consent. It is proposed to re-point the stonework and replace stones, where missing or damaged. The existing bricked up doorways are to be altered from the existing unsympathetic brick to a matching stone.

In order to improve the settings of the listed building, the applicant proposes to remove the metal fences around each wellhead entirely. The recessed step is to be covered with a metal grille to prevent any potential accidents, whilst having a minimal impact on the existing structures.

The buildings will be sited in a landscape setting with a public realm element. The southern structure (Peewit 2), would be accessed by a series of public realm steps the corner of the site. The northern structure (Peewit 1), would be set into the south eastern corner of the site accessible by a pedestrian link from Oxgangs Green.

It is considered that the proposed development would not be detrimental to the architectural character, appearance or historic interest of the buildings, or to their setting. Historic Environment Scotland (HES) recommend that the buildings are repaired and retained as visible features within the development. If Committee is minded to grant planning permission, a condition is recommended to ensure that the listed building works are completed prior to the occupation of the first dwelling. A listed building application reference 17/02621/LBC runs parallel with this application.

The City Archaeologist welcomes that the proposed scheme will see the retention of the listed structures and recommends that it is essential for a management plan to be agreed for their conservation, repair and management. The applicant will therefore be required to comply with the Wellhead Proposals Report (Rev C - Site plans updated - July 2018) submitted with the application. The work will require an archaeology survey and recording of the structures. It is also requested that a condition to ensure that appropriate interpretation of the structures is incorporated into the development.

The City Archaeologist recognises that the site is regarded as being of archaeological significance and as such it is essential that a programme of archaeological works is undertaken during development in order to fully excavate, record and analysis any surviving archaeological remains affected. A condition to achieve this is therefore recommended.

It is concluded that the setting of the listed buildings is protected by the proposed form of development and that any archaeological resource can be conserved and reported through means of a condition.

c) Flooding

The site has an underground spring. The existing culvert through the site links up the two category B listed wellheads. SEPA is satisfied with the proposed design of the culvert diversion which shows that the culvert will be in public areas.

SEPA has advised that the site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. There is risk from surface water flooding due to overland flow along the south west edge of the site. SEPA support the statement in the Flood Risk Assessment that the ground floor levels within the floodplain corridor will be maintained and that all buildings will be located outside of the floodplain corridor. No land-raising is proposed within the floodplain corridor which is welcomed.

The rear part of the garden of the most northern dwelling will be susceptible to the overland south west flooding, which will reduce its use-ability.

A SUDS tank is proposed under the central green space. The SUDS will be provided in porous bays to be adopted by the Roads Authority and filter trenches will remain private to the developer or future house owners.

Flood Prevention raises no objection to the proposal.

It is concluded that the proposed development will not have a detrimental impact upon flooding of the site.

d) The proposed scale, design and materials are acceptable

National Planning Policy set out in Designing Places, Designing Streets and the SPP aims to achieve high quality, well designed homes in all new housing development, including affordable housing.

LDP Policy Des 1 supports development that contributes towards a sense of place and draws on positive characteristic of its surrounding area. The policy does not support poor quality design.

The application was presented to the Edinburgh Urban Design Panel (EUDP) on 13 December 2017. The EUDP Report from that meeting encourages the creation of an inclusive development with a sense of place.

In response to the site's numerous constraints, the applicant has developed the design and layout of the development to utilise the site's topography and has also sought to achieve a balance of streetscape and landscape space.

The development has regard to LDP Des 3 Development Design Incorporating and Enhancing Existing and Potential Features, for example through retention and enhancement of the listed buildings on site and by taking advantage of the views out of the site. Some existing trees will be lost to accommodate the development, however additional planting, including an orchard, is proposed as mitigation.

LDP policy Des 4 Development Design - Impact on Setting encourages new development proposals to have a positive impact within their context. The existing area set back from Oxfords Avenue is predominately semi-detached and terraced dwelling houses. The proposal is a mix of large blocks which will be largely unique to this area. The design creates a contained central formal space and retains open aspects to the neighbouring housing and landscape through a setback building line and open spaces. The proposed palette of materials is simple and will harmonise with the surrounding buildings, which are mainly post war style finished in rough cast.

Parking spaces are located in dedicated areas and partially along the street, for example at blocks 2 and 3. Parking spaces are well designed and do not dominate the street scene and landscape planting has been included in line with the EDG requirements.

The proposal utilises the site topography to achieve accessible pedestrian desire lines where possible through the most direct and level parts of the site avoiding the need for steps. The layout and position of windows and balconies allows for good surveillance of the open space and footpaths thus ensuring community safety. The applicant is willing to liaise with the Police to meet Secure by Design Standards. CEC Waste Services are satisfied that the proposal meets requirements with regard to access and storage standards for waste collection.

Density

There are objections to the development relating to the potential overcrowding and overdevelopment of the site which could lead to social problems. The objections regard the proposed flats as being too high and that the development should support more semi-detached dwellings.

LDP policy Hou 4, Housing Density, requires development to be of an appropriate density having regards to the characteristics of those in the surrounding area. The proposed density, based on 85 units on the site of 1.462 hectares equates to 58 dwellings per hectare.

Density in the surrounding area follows a natural hierarchy from being higher along primary streets into the less dense residential areas away from main thoroughfares. The density of areas immediately surrounding the site varies from higher density to the north of the site at approximately 54 units per hectare to lower density to the east at 28 units per hectare, and 29 units per hectare to the west.

In comparison to the surrounding area, the proposed development is therefore higher in density than the predominant surrounding neighbourhood. It will however deliver much needed affordable housing, in a sustainable location, satisfying a need identified by CEC Housing. The opportunity to create a higher density solution with a well-considered layout and sensitive relationship to its neighbours is supported.

Open Space

With regards to satisfying Local Development Plan policy Hou 3, Private Green Space in Housing Development, there are limitations with regards to the balance of open space through the site. The development aims to deliver larger and more useable areas of public open space within the site which results in block 1 (affordable housing) and blocks 6 and 7 having limited private space, although these blocks do satisfy the requirement of 10 square meters per unit guideline in the EDG.

Blocks 2, 3 and 4 are well served with private open space. A stepped area offering public realm is provided as a settings for the listed structures, this provides a substantial proportion of the site as useable public amenity area.

The development proposes private garden spaces that by comparison are smaller than existing neighbouring dwellings. The six proposed dwellings have rear private gardens, with garden depth set approximately 9 metres from the site's western boundary. The applicant advises that as these dwellings will be for rental purposes the tenants will not have the opportunity to extend the dwellings in future which would reduce garden spaces. There is in excess of 18m to the nearest properties to the west and therefore there would be no privacy issues.

Representations raise concern that the communal open space at the centre of the site could be used for ad hoc parking. Landscape design and boundary treatments including soft landscaping in the form of shrub and tree planting have been proposed to protect against this activity. Further preventative boundary treatments should be provided by the applicant in the form of railings, including suitable access for maintenance of SUDS infrastructure, to protect against this risk and a condition relating to landscaping to ensure this is achieved is therefore recommended.

Height

Objections to the proposal have been received which raise concern that the proposed four storey flats are too high and out of character with the surrounding area.

The EDG advises that new buildings that are clearly higher than their neighbours should be avoided. New buildings should sit within the form set by the eaves and ridge of neighbouring buildings. Additionally, the EDG encourages the use and positioning of buildings to create interesting and attractive streets and spaces.

A large block (block 1) is proposed at the site entrance. Whilst larger and higher than surrounding dwellings, block 1 defines a key entrance building to the site and would not give rise to overshadowing. The remaining blocks would be similar in nature to the former position of the school, and would step down to in height at the site's perimeter in the form of detached dwellings at the most sensitive edge of the site.

The height and block form while different in character to the neighbouring area is considered a suitable design response to this specific context.

With regards to satisfying Local Development Plan Policy Des 5 Amenity, the daylight privacy and sunlight assessment concludes that sufficient privacy distance would be achieved within the layout and to existing dwellings. The balconies proposed would largely overlook the proposed areas of private open space within the development.

It is concluded that the proposed height, scale, design and materials of the development are acceptable.

e) The amenity of neighbours or occupiers of the new development

The proposed residential development will extend fully across the site. This will result in a change in patterns of occupancy in comparison to the previous use of the site as a school and playground. New vehicle movements associated with the site will intensify its use and could impact upon neighbours in terms of noise and light disturbance. However, the existing area is largely residential and the principle of further residential development on this site is acceptable in a LDP context. Any additional impact would not be unreasonable within this urban context.

A daylight, privacy and sunlight assessment has been submitted in support of the application which highlights that standards have been met for both existing and proposed residents.

The proposal accords with the BRE Guidelines and Edinburgh Design Guidance recommendation that half the garden area must be capable of receiving potential sunlight at the Spring Equinox (21st march) for at least 3 hours.

The design of the elderly person's accommodation in the south west corner has south facing balconies which will be utilised by the residents.

Environmental Protection has raised no objection with regard to air quality or noise matters. It has recommended that a site survey be carried out to assess the level of contaminants prior to the commencement of works. An appropriate condition is recommended.

Representations raise concern with regard to the potential for disruption from construction activities. Any adverse impacts from construction, such as impacts on noise or air quality, are not within the control of planning legislation.

f) Access arrangements are acceptable in terms of road safety and public transport accessibility

LDP policy Tra 2 advises that private car parking should not exceed the parking levels set out in the Council's guidance.

The proposed site is in an established residential area, within close walking distance of the local schools and nursery and to bus stops on Oxbgangs Avenue. The development proposes to upgrade pedestrian links through the site to encourage ease of access by alternative modes of transport. The proposal includes adequate cycle parking which includes enclosed cycle stores allocated to each block.

The development will be accessed by vehicles from an existing access point off Oxfangs Green. The proposal will provide 65 car parking spaces for 85 units. The parking provision is at the upper end of the requirements of this location, zone 2. However since non-car modes of transport are available and provided, the Roads Authority raises no objection to this level of parking. In accordance with LDP policy Tra 4 the surface car parking includes some structural planting to soften the impact of the car parking bays.

Disabled car parking is provided adjacent to the accessible flats to the satisfaction of the Roads Authority.

The applicant has provided a plan showing the proposed areas of road to be to adoptable standards, the Roads Authority is satisfied with the approach taken by the applicant.

Although the Roads Authority has raised no objection to the proposal, they advise that the development be subject to a Street Quality Road Audit and will require an Road Construction Consent (RCC) to cover matters such as road widths, materials, drainage etc.

It has been recommended by the Roads Authority that the development will require yellow lines at all locations where there is no formal parking. The yellow lines will require a financial contribution to a Traffic Regulation Order (TRO) and the developer will be required to provide appropriate signage within the site to direct traffic. An order will be required to limit the speed to 20mph. These matters shall be delivered by the applicant via a suitable legal agreement.

It is concluded that subject to conditions, informatives and a legal agreement that the transport strategy for the development proposal is acceptable and should not be detrimental to highway safety.

g) Impact upon trees

Policy Env 12 of the LDP aims to protect against unnecessary loss of trees or woodland worthy of retention and requires replacement planting where trees are removed as part of a development proposal.

The applicant submitted a Tree Survey in support of the application and there are 28 trees on the site of varying condition. Whilst the trees on the site are not subject to any statutory protection, the woodland has value in a local context and it would be in accordance with the EDG chapters 1 & 3, and LDP policies Des 3 Development Design and Env 12 Trees, to retain these areas of woodland as part of site design.

The applicant's Arboricultural Impact Assessment advises that the development will necessitate the removal of several trees towards the north of the site. The trees along the east boundary adjacent to the road will be largely retained within an area of public open space, with four smaller specimens being removed. Due to ground level alterations the area to the northwest will result in the loss of six trees. Two of these are category A an Italian Alder and a Norway Maple.

The application proposes replanting within the car parking layout, around the site boundary and within the central landscape area of the site.

Whilst it is regrettable that some existing planting is lost from the site, this will be adequately compensated for through the new planting which meets the requirement of LDP policy Env 12 Trees. A condition to protect remaining trees throughout works is recommended.

h) The proposal will affect the biodiversity of the area

Policy Env 16 of the LDP aims to protect against adverse impact on various species protected under European or UK law. The applicant has submitted an ecology survey in support of the application. This specifically assesses European protected species. The ecological assessment concludes that there are no protected species on site and no habitats with anything other than local value.

Objections to the application recommend that the proposal should respect the open space designation at the southern part of the site. The local community have identified that the site hosts an abundance of wildlife including siskin, goldfinch, bullfinch, greenfinch and fox dens. These species are not protected by law and the applicant has proposed hedgerows and tree planting within the site that will encourage biodiversity in the area.

Whilst the proposal meets the requirements of Env 16 an informative in respect of protecting breeding birds is recommended.

i) The proposal meets the sustainable standards in the Edinburgh Design Guidance

The applicant has submitted a sustainability statement in support of the application. The site is within 10 minutes walking distance of Oxfords Avenue bus stop. The layout includes enhanced linkage of the development to the surrounding footpaths.

The proposal has been classified 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 terms of energy needs and therefore satisfies LDP policy Des 6.

j) Material representations or community council comments raise issues to be addressed

Consultation comments provided by Firrhill Community Council are included in Appendix 1 of this report.

The Community Council raises the following issues:

- Concern regarding "village green space" which may become ad hoc parking - addressed in section 3.3 d);
- Concern regarding the number of homes - should be fewer and larger - addressed in section 3.3 a); and
- Issue of site gradients doesn't facilitate easy access for elderly and disabled to local facilities - addressed in section 3.3 d).

Three objections have been received. The matters raised may be summarised as follows;

Traffic

- Increase in traffic - addressed in section 3.3 f); and
- Lack of car parking, poor connections to retail and leisure facilities - addressed in section 3.3 f).

Visual Impact

- Concern regarding the height of 3-4 storeys on the highest part of the site - addressed in section 3.3 d); and
- Loss of light to neighbouring dwellings - addressed in section 3.3 e).

Environmental Impact

- Loss of woodland and its resident wildlife, negative impact on the local ecosystem - addressed in section 3.3 h).

Nuisance and Pollution

- Concern of impact of building works on the neighbouring residents and the pupils of Pentland Primary School - addressed in section 3.3 e).

Safety

- Lack of security - addressed in section 3.3 d).

Infrastructure

- Lack of social/leisure amenities in the area - public open space is provided within the layout and the site is in close proximity to other amenities and community facilities.

One letter of support was received from the Fairmilehead Association welcoming the restoration of the two listed buildings on the site. Accurate information in any accompanying interpretation boards is requested - addressed in Section 3.3 b).

Non-material comments

- Creation of a "criminal nest" of social housing - addressed in section 3.3 d).
- Community centre and local library too small for current population - this is non-material and has wider implications than the current application.

k) The proposals have any equalities or human rights impacts

The proposed development will provide much needed affordable housing satisfying the local demand including housing for disabled and elderly persons. The proposal will be required to satisfy buildings standards requirements. No impacts related to equalities or human rights have been identified.

l) There are any other infrastructure requirements that should be considered.

Residential development is required to contribute to the cost of the required education infrastructure. Communities and Families have advised that a contribution of £980 per flat and £6,536 per house, all index linked, for education infrastructure will be required from the developer towards identified actions within the Firrhill Education Contribution Zone.

A total contribution of £107,816 based on 70 flats (9 one bed flats excluded) and 6 house should be secured through an appropriate legal agreement.

The proposal offers all of the proposed dwellings for affordable housing and ensures a range of unit sizes and tenure. Affordable Housing supports this proposal. The applicant has shown a willingness to enter into a legal agreement to secure affordable housing across the site.

The proposal is required to contribute to Healthcare infrastructure. The application site falls within the Allermuir contribution zone where £526.26 is required per dwelling. The applicant has agreed to enter into an appropriate legal agreement to secure this contribution.

Conclusion

In conclusion, the redevelopment of this neglected and under-utilised urban site will deliver much needed housing, all of which is proposed to be affordable. Part of the development is contrary to the Development Plan, in that it would develop a small area currently designated as open space.

At the same time improvements will be made with regard to enhanced permeability and connectivity through the site with upgraded and improved access to open space. It is considered that the loss of part of the site's open space, whilst opening up the remainder for public uses, justifies a minor departure from the Development Plan in this instance.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The culvert diversion, as shown in approved plans, shall be fully implemented to the satisfaction of the Local Authority, in consultation with Scottish Water, prior to the commencement of development.
2. A landscape management plan, including tree re-planting, boundary treatments in the form of a railing(s) to the central open space only, and provision for management of permanent interpretation boards for Peewit one and Peewit two, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The approved plan shall be implemented within 6 months of the completion of the development.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
5. No works shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, conservation, historic building survey, interpretation, reporting and analysis) 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.

6. Trees on the site shall be protected during the construction period as set out within the Tree Survey and Arboricultural Constraints report (Revised 15 May 2018) prepared by Alan Motion Tree Consulting Ltd. and submitted in support of the planning application. All works shall be carried out in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction".
7. The applicant shall complete restoration works to Peewit one and Peewit two, as described in the Wellhead Proposals Report (Rev C - Site plans updated - July 2018), including provision of interpretation boards. The restoration works shall be implemented within 6 months of the completion of the development and to the satisfaction of the Planning Authority.
8. The type and layout of all cycle parking at the site shall be agreed and be to the satisfaction of the Chief Planning Officer prior to any construction activities beginning.
9. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority prior to the start of work.

Reasons:-

1. To ensure a satisfactory form of development.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. In order to safeguard the interests of archaeological heritage.
6. In order to safeguard protected trees.
7. In order to safeguard the character of the statutorily listed building.
8. In order to ensure cycle parking at the site is suitable.
9. To ensure a suitable maintenance regime is in place to manage SUDS infrastructure.

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. Consent shall not be issued until a suitable legal agreement has been concluded to:

a) make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area. A contribution of £980 per flat and £6,536 per house, all index linked (Q4 2017), for education is required from the developer towards identified actions within the Firrhill Education Contribution Zone. A total contribution of £107,816 based on 70 flats (9 x one bed flats excluded) and 6 houses is required.

b) provide 25% affordable housing on-site in accordance with Council policy.

c) make a financial contribution of £526.26 per dwelling to Healthcare to alleviate accommodation pressures in the Allermuir contribution zone, all index linked to signing of agreement.

d) provide a financial contribution in relation to transport infrastructure including: £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary, and subsequently install all necessary signs and markings at no cost to the Council; £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council; and sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

5. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

6. No tree shall be felled during the bird breeding season (March -September) unless otherwise agreed in writing by the Planning Authority.

7. It is recommended that all parking spaces are served by an electric vehicle charging point or at a minimum should include ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

8. It is recommended that several of the Electric Vehicle (EV) charging points installed should be rapid chargers of the following standard:
70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVs G105 and 62196-3 connectors, the AC supply by a 62196-2 connector. Must have the ability to be de-rated to supply 25kW to the AC and either of the DC outlets simultaneously.
9. For parking spaces not served by an Electric Vehicle (EV) charging points, ducting and infrastructure should be installed to allow charging points to be readily accommodated in the future.
10. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
11. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
12. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
13. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
14. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, **whether the road has been adopted or not**. The developer is expected to make this clear to prospective residents as part of any sale of land or property.

15. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 6 April 2018.

Firrhill Community Council submitted comments on the proposal.

Three letters of representation were received objecting to the proposal.

Fairmilehead Association provided a letter of support for the restoration of the listed buildings on the site.

Background reading/external references

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

Statutory Development Plan Provision	The application is subject to the urban area policies of the Edinburgh Local Development Plan.
Date registered	21 March 2018
Drawing numbers/Scheme	1,2,3d,4d,5b,6b,7a,8b,9b,10b,11a,12a,13,14a,15-19,20a,21,23a,24a,25a,26,27a,28a,29b,30,31a,32a,33a,34b,35a,36a,37b,38a,,39a,40a,41,42,43b,44b,45a-48a,49c,50a-54a,55,56,

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 PLACE
 The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP 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.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP 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.

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

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

LDP Policy RS 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

Appendix 1

Application for Planning Permission 18/01055/FUL At Site 72 Metres South Of 4A, Oxfangs Green, Edinburgh Development of 85 affordable dwellings (79 flats and 6 houses) with all other associated infrastructure, roads, parking, public realm and landscape areas.

Consultations

Edinburgh Urban Design Panel

1 Recommendations

1.1 The Panel recognised the challenges of the site in terms of its topography, flood risk and development stand-off zones. However, the Panel strongly agreed that the proposal did not represent the best solution for the site and that an opportunity has been missed to create an inclusive development with a sense of place which responds to the positive characteristics of the site and surrounding area.

1.2 The Panel was also concerned that there was a lack of clarity on the ownership of the listed well heads and this requires to be investigated further to ensure that their restoration and integration with the rest of the development is achieved.

1.3 In developing the proposals, the Panel suggested the following matters should be addressed:

- o Revisit the design concept to ensure that the proposal responds to the positive characteristics of the site and surrounding area and a strong sense of place is created as a result;*

- o Develop a landscape strategy for the site at the outset so that principles are embedded into the proposal and ensure that amenity space(s) feel part of the development rather than areas left over after the siting of the buildings, car parking and the road;*

- o Ensure that opportunities for positive interactions between residents are maximised through an inclusive, well-defined public realm and ensure that public and private spaces are clearly defined and well balanced;*

- o Reassess the use of large building blocks and architecture; cues should be taken from the character of the surrounding area rather than the former primary school;*

- o Celebrate the listed well heads as a unique part of the site and ensure that they form an integral part of the public realm; and*

o Ensure that the public realm is pedestrian-focussed and not dominated by the road(s) or car parking.

2 Introduction

2.1 The site measures 1.49 hectares in area and is situated to the south of Oxgangs Avenue, between Oxgangs Green and Oxgangs Rise. The site is undulating, with a level change of approximately 10 metres dropping down from the south to the north.

2.2 The site formerly accommodated Hunter's Tryst Primary School, which has now been demolished. A water pipeline runs along the eastern side of the site which feeds into Comiston Springs Waterhouse. Two late 17th century category B listed well heads (LB ref 27964, 14th December 1970) sit above the pipeline.

2.3 The majority of the site is designated as Urban Area in the Edinburgh Local Development Plan (LDP) with an area of land to the south designated as Open Space.

2.4 No declarations of interest were made by the Panel.

2.5 This report should be read in conjunction with the pre-meeting papers.

2.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.

3 Design Concept

3.1 The Panel was not supportive of the overall design concept and felt that much more could be done to respond to the positive characteristics of the site and the surrounding area.

3.2 The Panel acknowledged the influence that the site's constraints have had on the design concept, but agreed that other less engineered options could be explored whilst still respecting these constraints.

3.3 The Panel considered that the design concept resulted in an inward-looking development which placed too much focus on the road and car parking rather than on the creation of a place.

3.4 The Panel agreed that going forward, the design concept should focus on facilitating positive interactions between the future residents of the development and that this should be the driver behind the siting and design of the buildings, linkages, and the public and private realm.

4 Siting and General Form

4.1 The Panel considered that the creation of useable amenity space more centrally located, a reduction in the dominance of the car, and dwellings which better reflect the siting, form and scale of those in the surrounding area, will be crucial to creating a welcoming environment and a sense of place. To address this, the Panel suggested that a central court with houses positioned around public amenity space incorporating the listed well heads could be created.

4.2 The Panel agreed that there was an opportunity to enhance the entrance of the site from Oxgangs Green to link better with the existing community, and noted that the groupings of mixed level houses in the surrounding area could be reflected in the design.

4.3 The Panel acknowledged that the residents of the elderly block may enjoy overlooking the school to the south, however any impacts on residential amenity need to be carefully considered. The Panel also suggested that the elderly block could be inverted to face south with a private court to the front to maximise amenity for residents.

4.4 The Panel was concerned that design cues for the buildings had been taken from the large block format of the former school rather than the surrounding area. Specific concern was raised about the elderly block which the Panel considered to be too high. The Panel noted that the existing post-war pitched roof buildings in the surrounding area provided a distinctive character and that this could be reflected on the site. The Panel agreed that there was an opportunity for the site to host some high quality architecture, and concluded that further work was needed to ensure that the buildings draw on the positive characteristics of the surrounding area.

4.5 The Panel noted that the materials should be reflective of those evident in the surrounding area.

5 Public Realm and Landscape Design

5.1 The Panel was concerned that the proposal appeared not to have been created in parallel with a landscape strategy. The Panel considered that the landscaped areas felt more like leftover, unconnected spaces on the edges of the site where the topography is more challenging, and as a result, their usability would significantly be restricted. The Panel concluded that a landscape strategy was needed and that the principles from it should be embedded into the proposal from the outset.

5.2 The Panel suggested that if a centrally located communal space was created, further opportunities for private amenity space to the rear of buildings towards the edges of the site could be explored. The Panel considered that a community garden could also be created on the no-development zone area to the north-west of the site, which may encourage greater interaction between residents. The Panel suggested that the site's southern boundary also requires some careful treatment.

5.3 The Panel agreed that the creation of clear fronts and backs to the dwellings would reflect the character of the surrounding area. In addition, the Panel emphasised the importance of clearly defining the public and private spaces, and agreed that defensible space should be created to the front of the properties.

5.4 The Panel considered that opportunities for creating areas for play and recreation should be explored as part of the landscape strategy.

5.5 The Panel felt that the positioning of the car parking towards the front of the buildings would result in a car dominated environment. The Panel concluded that emphasis needs to be placed on creating a safe, accessible and attractive pedestrian environment, with the road and car parking being much less of a dominant feature.

5.6 The Panel strongly agreed that the listed well heads should be better integrated into the public realm and that they should be celebrated as a unique part of the site. The restoration and integration of the well heads will be critical to creating a strong sense of place and will also help to minimise opportunities for vandalism. The Panel agreed that it is therefore critical that the ownership of the well heads is clarified as soon as possible. The Panel also suggested that the creation of views to the well heads should be explored.

6 Movement

6.1 The Panel agreed that the road and car parking was overly dominant and more emphasis needed to be placed on enhancing the pedestrian environment and movement on foot around the site.

6.2 The Panel was supportive of the retention of the pedestrian link into the site from Oxfangs Rise. However, the Panel considered that the link could be better integrated into the public realm rather than acting as a dividing line between the private amenity space for the elderly block and the small area of public space to the north.

6.3 The Panel concluded that the proposal needs to be more reflective of the principles set out in *Designing Streets*.

Scottish Water comment

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

This proposed development will be fed from Rosebery Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

Natural Water pipe and Combined Sewer run through the site boundary

I can confirm that I have made our Asset Impact Team aware of this proposed development however the applicant will be required to contact them directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Archaeology comment

The application site contains the surviving remains of two B-listed Springs, which together form the Peewit Spring. This spring along with five others [Hare (1), Moubray (1), Fox (2) and Sandglass (1)] formed the Comiston water-pipeline constructed in 1676. The system was designed by Dutch engineer Peter Brauss and constructed by Robert Mylne the King's Master Mason and was Edinburgh's 1st public piped water supply.

The site is therefore regarded as occurring within an area of archaeological significance. Accordingly, this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and also CEC's Local Development Plan Policies ENV4 & ENV9.

Listed Wellheads

The proposed scheme will seek to conserve these two late 17th century B-listed Springs which are on the Buildings at Risk Register. Structures, although appearing to be basically sound, as outlined in the accompanying report suffering from damaged caused by vegetation and tree growth and their setting is significantly compromised by the construction of metal fencing surrounding each one. It is welcomed therefore that this application seeks to remove damaging vegetation, repair stone work and pointing and too remove the modern fencing surrounding these two monuments.

It is essential therefore that prior to works starting that a detailed conservation plan is submitted for agreement detailing how they will be repaired and conserved. In addition it is essential that prior to and during this work that a detailed archaeological historic survey is undertaken of the two structures in order to provide an archaeological record.

Buried Archaeology

As previously stated, this site is regarded as being of archaeological significance primarily in terms of the development of Edinburgh's public water supply. Although the site has been significantly affected by the construction and subsequent demolition of the former Primary School, areas especially around the two wells and associated pipelines have the potential for containing important remains. Accordingly, it is essential that a programme of archaeological works is undertaken during development in order to fully excavate, record and analysis any surviving archaeological remains affected.

Archaeological Interpretation

Further given the importance of the two listed springs it is essential that the programme of archaeological works include provision for permanent interpretation plaque/boards which would explore and describe the archaeology / history of the wells. This should form part of any longer term landscaping management of the site.

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No works shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, conservation, historic building survey, interpretation, reporting and analysis) 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.

Police Scotland comment

We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

Flood Prevention comment

Flood Prevention are happy for both of these applications to proceed to determination based upon the information submitted to date.

For the record, I have used the Certificate A1 and B1 self-certification forms from application 16/06134/FUL to support this application as it is merely a revision to the proposed scheme, and it is within a short timescale with no dramatic changes in design standard or policy taking place in the interim.

Communities and Families comment

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (January 2018).

Assessment and Contribution Requirements

Assessment based on:

70 Flats (9 one bedroom flats excluded)

6 Houses

This site falls within Sub-Area F-1 of the 'Firrhill Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£107,816

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

SEPA comment

Advice for the planning authority

We have no objection to this planning application, but please note the advice provided below.

1. Flood Risk

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

1.2 SEPA was consulted on the previous application at this site (16/06134/FUL) for which a Flood Risk Assessment (FRA) and Surface Water Management Plan (SWMP) were provided in support of the application. An updated FRA and SWMP has been submitted in support of this application.

1.3 The risk identified at this site is from surface water flooding due to overland flow route to the south west. The updated FRA states that ground levels within the floodplain corridor will be maintained and all buildings will be located outside of the floodplain corridor, which we support. It is proposed to install land drainage within the floodplain corridor to create a betterment for flood risk and ground levels will remain as existing. Therefore as no land raising is proposed within the floodplain corridor and all built development is located outwith this area, we have no objection to the proposed development.

1.4 No built development is located over the realigned culvert. The culvert will be within public areas and, therefore, will have no riparian ownership, which we support.

1.5 It is for the City of Edinburgh Council to be satisfied that any drainage or SUDs proposed are appropriate and in accordance with any internal guidance. Drainage calculations should be undertaken using the FEH13 depth duration frequency statistics.

Firhill Community Council comment

We fully support the basic idea of a residential development consisting of affordable housing and the new layout appears to be an improvement on the previous plan, although there are misgivings about the central "village green" space, which may end up as an ad hoc parking area for vehicles.

Our main concern is about the proposed number of units. The PANs for the different versions of this development have indicated a development of:

- o 70-80 units (Sept 2016) (planning application for 89 units)*
- o 70-90 units (Sept 2017) (planning application for 85 units)*

but, as shown, the subsequent planning applications were either above or on the upper end of the scale.

We stated previously, we were looking for housing to be of an adequate design to meet modern living standards in relation to space and consideration should be given to providing family homes rather than homes for single people. Our views on this have not changed and we would rather see a development for 70 units with internal floor spaces per unit being correspondingly increased. This is particularly pertinent when you consider there is no private outdoor space.

We note the consultation response from Communities and Families does not consider this development will have any impact on the local primary school, which going by previous reports has no spare capacity. This report seems to concentrate more on developer contributions rather than infrastructure actions.

Bearing in mind the gradients involved at this location, we would like to see a more direct pedestrian route that is suitable for the elderly and disabled from site to the amenities around Oxgangs Broadway (convenience & discount stores, pharmacy, community centre, library, food outlets, hairdressers, and public house). This would benefit the residents, the local small businesses in the shopping centre as well as the public amenities. It would also facilitate access to other public transport routes.

In requesting the foregoing, page 27 of document 18_01055_FUL-Design-Access-Statement-3885117 appears to suggest the former pathway that ran along the west side of Pentland Primary has been re-instated as a public right of way. I am assuming this is incorrect albeit it is something we would support to resolve the access issue. Please confirm either way.

Firrhill Community Council have made comments on the earlier PAN's applicable to this developer and site and I would ask they be included as part of our comments regarding this application. They are primarily of a general nature related to the area's infrastructure and the site's proximity to Pentland Primary School.

In summation, we support the development in that it will get rid of an empty brownfield site and there is an increasing demand for affordable accommodation, but we do not consider it will not improve the quality of life for people in this area in the long term. There is perhaps a need to increase the population density but that should go hand in hand with increasing housing floor space.

Environmental Protection comment

Site Description

The development site is located within an established residential area in the south-west area of the city. Adjacent to the site entrance at the north-east end of the site is a Kingdom Hall of Jehovah's Witnesses, single storey building, behind which is located a 3-storey flatted block. It fronts onto Oxgangs Green at the junction with Oxgangs Avenue. To the north and north-west lie 3 and 4 storey flatted blocks along Oxgangs Avenue.

Immediately opposite the site entrance to the east at Oxfangs Green there is an electrical sub-station on a grassed embankment. Oxfangs Green bounds the eastern edge of the site with a mixture of 2 storey terraced or semi-detached houses set on an incline. To the south of the site is the new Pentland Primary School playing fields, with the school to the south east.

Further south the playing fields are bounded by rows of terraced 2 storey residential properties at Oxfangs Bank. To the south west and west of the development site is located a mixture of terraced and semi-detached 2 storey residential properties at Oxfangs Park and Oxfangs Rise.

Noise

The area is primarily a residential area. The only potential noise sources relate to the electrical sub-station, Kingdom Hall of Jehovah's Witnesses and the Pentland Primary School. In each case, there are already pre-existing residential accommodation located more closely than the proposed housing. Environmental Protection has no records of complaints being received concerning either the sub-station or school, therefore there are not considered to significantly impact on the amenity of the proposed housing development.

Air Quality & EV Charging Points

In terms of air quality, the site is not close to an existing Air Quality Management Area (AQMA), nor is the development, including the number of parking spaces (65) significant enough to require an air quality impact assessment (AQIA).

The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches, and encourage the public sector to lead the way, with developers incorporating charging points in new developments.

Edinburgh has made progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of emissions will contribute to improving air quality, furthermore their quieter operation will reduce road traffic noise.

The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions.

To ensure that the infrastructure required by the growing number of electric vehicles users is delivered the requirements stipulated in the Edinburgh Design Guidance must be achieved. As a minimum, one of every six spaces should include a fully connected and ready to use electric vehicle charging point. However, Environmental Protection recommends that all parking spaces should have access to an electric vehicle charging point. For residential accommodation a minimum of a 7Kw charging provision is required. Information on chargers is detailed in the Edinburgh Design Standards Technical Information Design Standards.

Contaminated Land

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)

Environmental Protection has no objection to this planning application subject to the conditions listed.

Conditions

1. 1 in 6 parking spaces must be served by a minimum of a 7Kw electric vehicle charging sockets. The charging sockets must be installed and fully operational prior to the development being occupied.

2. i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Informative

1. It is recommended that all parking spaces are served by an electric vehicle charging point.

2. *It is recommended that several of the Electric Vehicle (EV) charging points installed should be rapid chargers of the following standard:*

o 70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVs G105 and 62196-3 connectors, the AC supply by a 62196-2 connector. Must have the ability to be de-rated to supply 25kW to the AC and either of the DC outlets simultaneously.

3. *For parking spaces not served by an Electric Vehicle (EV) charging points, ducting and infrastructure should be installed to allow charging points to be readily accommodated in the future.*

Roads Authority Issues initial comment

Many of the amendments we seek can be dealt with either through the Quality Audit or RCC process.

Footways

o As this is not a shared surface arrangement, we will require footways throughout. At the entrance from Oxgangs Green there should be a footway on both sides. Around the north side of the green area there should be a footway in front of the flats (shown as verge).

o Footways behind the end on parking bays should be 2.5m in width to allow for vehicle overhang

o Generally, all kerbs should have 125mm upstand

o Dropped kerbs and tactile paving required at crossing points.

Potential Parking issues

We will require double yellow lines at all locations where there is no formal parking. Further, certain areas (such as the build outs between parking bays and the central green area) must have measures to prevent parking on them. This can be for example bollards, planters, high kerb. (* on potential crossing points)*

The yellow lines can be dealt with by way of a contribution (£2,500). The developer will be responsible for the painting of the line plus any signage, which must be to the correct layout.

20-mph

All new development roads must be designed for 20-mph. Looking at the proposals, I think the layout is fine, however an order will be required and 20-mph roundels painted on the road.

Parking Numbers

The development is in zone 2 of the parking standards which states the following;

- o Maximum of 1 car parking space per unit with 5% of this number being disabled bays*
- o Minimum of 1 (studio/1 room) or 2 (2/3 rooms) cycle parking spaces per unit*
- o Minimum of 1 motorcycle space per 25 units.*

From the information being provided I understand there are 65 car parking spaces which is in line with the standards, however as it is at the top end and zone 2 is designated as an area with good public transport accessibility, we will require a justification for the provision being proposed.

Cycle parking - the numbers in the standards must be provided and identified clearly on the drawings (with numbers shown).

General items

- o An RCC will be required. This is a separate process to planning and will cover such matters as road widths, materials, drainage etc.*
- o It would be useful to have an adopted areas drawing, to determine which areas require to be built to an adoptable standard.*
- o A quality audit will be required and all recommendations be included at no cost to the council.*
- o Electric car charging points will be required*
- o Any remote footpaths should be minimum 3m wide and designated for shared pedestrian / cycle use*
- o Travel plan may be required*
- o Possible car club contribution.*

PLEASE NOTE that this is not a complete list but covers most of the main items and some of the smaller points picked up.

Roads Authority Further Issues

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *The applicant will be required to:*

a. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*

b. *Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*

c. *In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*

Contribution for traffic orders to be paid prior to commencement of works. Car club contribution to be paid prior to occupation of first unit.

2. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*

3. *A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*

4. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*

5. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*

6. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

7. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

8. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

9. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

10. Cycle parking type and layout to be to the satisfaction of the Chief Planning Officer.

Note:

The application has been assessed under the 2017 parking standards. The development is mainly in zone 2, with a smaller portion in zone 3. The application has been determined as being in zone 2.

These permit;

For zone 2, a maximum of 1 car parking space per unit.

Car parking

For this development, 56 car parking spaces are being proposed which meets the standards.

Note - A parking survey was carried out by the developer which indicated that in the immediate surrounding area, there are available spaces for existing residents to use.

Cycle parking;

A total of 159 cycle spaces are being provided. A condition (10 above) requires the type and layout to be approved.

Waste Services comment

I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects or developers should liaise directly with me, via email at justine.stansfield@edinburgh.gov.uk

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

Although there are no details of any commercial aspect, for completeness, it would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability. These relate to the drawing in Appendix 2. Should these drawings substantially change, please let me know.

I would prefer that the roadway was not obstructed during servicing, since up to 5 times a week residents could be blocked in, but appreciate that this is a minor concern in relation to the wider plans. I would recommend some protective measure surrounding the edges of the parking spaces adjacent to the bin store at block 1, and at parking space marked 21, to prevent damage to cars while moving bins. Additionally, the pavement in front of block 4 would need to be of adoptable road standard, so that the bin lorry can drive on it regularly without causing damage.

For high density properties such as the apartments, we recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. The number of bins required is calculated on the number of properties using each bin store, and have been calculated as per appendix 1. However, it should be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.

We recommend for townhouses to have individual kerbside collections. This provides each property with landfill (140 litres); mixed recycling (240 litres), glass (box), food bin and a kitchen caddy. All of these must be presented on the day of collection, at the agreed presentation point, before a specified time and removed thereafter. They must otherwise be stored off street at all times. I have some concerns regarding the number of bins to be presented at the bin collection points, but since this is the best option available, it should be monitored for any issues arising.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.

Obviously sufficient capacity must also be provided to allow successful collection of each segregated waste stream. Initial information on the requirements for waste services is available in the Architect's Instructions, which has been provided, and agreed to as per the checklist in appendix 3.

I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

Affordable Housing comment

1. Introduction

We refer to the consultation request from the Planning Department about this planning application.

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh City Local Plan.

2. Affordable Housing Provision

This application is for a development consisting of 85 homes and as such the AHP will apply. The applicant has stated that 100% of the homes to be provided for this application will be affordable and this is welcomed by the department. An agreement is in place with a Registered Social Landlord (RSL) for the affordable homes.

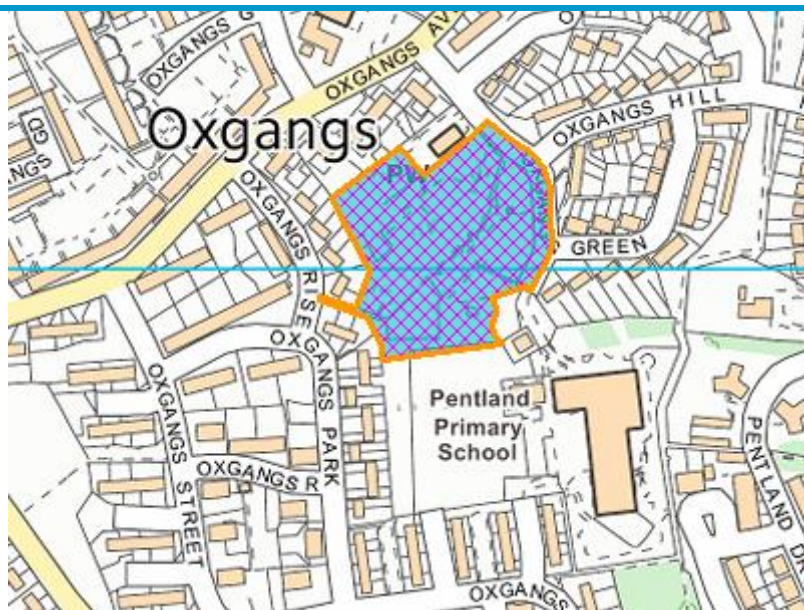
The affordable homes are required to be fully compliant with latest building regulations and further informed by guidance such as *Housing for Varying Needs* and the relevant *Housing Association Design Guides*.

3. Summary

The affordable housing provision for this application will be for 100% on site affordable housing and this is welcome by the department. The applicant is asked that at least 25% of the homes will be secured as being affordable by a Section 75 Legal Agreement.

We would be happy to assist with any queries on the affordable housing requirement for this application.

Location Plan



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