

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

10:00am, Wednesday 5 December 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.

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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 **1.00pm on Monday 3 December 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 Minute of the Development Management Sub-Committee of 10 October 2018 (circulated) – submitted for approval as a correct record
- 3.2 Minute of the Development Management Sub-Committee of 24 October 2018 (circulated) – submitted for approval as a correct record

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 53 Burdiehouse Road (At Land 100 Metres East of) - Forthcoming application by BDW Trading Ltd and Hallam Land Management Ltd for application for full planning permission (major) for residential development and associated landscaping and infrastructure - application no 18/08834/PAN - report by the Chief Planning Officer (circulated)

Applications

- 4.2 7 Broughton Road, Edinburgh EH7 4EW - Section 42 application for non-compliance with condition 1 of planning permission ref. 09/00039/FUL to allow extension of store deliveries between the hours of 1000 to 1800 on Sundays – application no 18/07477/FUL - report by the Chief Planning Officer (circulated)

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

- 4.3 1 Cockburnhill Road, Balerno – (At Land 44 Metres Northwest of) - New Dwelling on Land to North of 1 Cockburnhill Road, Balerno – application no 18/01969/FUL - report by the Chief Planning Officer (circulated)

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

- 4.4 130 Constitution Street, Edinburgh EH6 6AJ - Amendment to Planning Permission 16/00682/FUL to remove car parking and increase bedrooms from 25 to 32 within the hotel element (retaining nine private flats as previously approved) – application no 18/01445/FUL – report by the Chief Planning Officer (circulated)

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

- 4.5 46 Craigleith Road, Edinburgh EH4 2DR - Erect a new dwellinghouse within the curtilage of the existing property – application no 18/07513/FUL – report by the Chief Planning Officer (circulated)

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

- 4.6 4 Mayfield Gardens, Edinburgh EH9 2BU - Proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person HMO with associated works (as amended) – application no 18/07251/FUL – report by the Chief Planning Officer (circulated)

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

- 4.7 Parkview, 64 Peffermill Road, Edinburgh - Demolition of existing onsite derelict care home and erection of 2no. residential flatted blocks, comprising 30 flats, along with associated road, parking court, pedestrian paths, amenity space and soft landscaping (as amended) – application no 18/03993/FUL – report by the Chief Planning Officer (circulated)

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

- 4.8 462 Westfield Road, Edinburgh (At Land at) - Proposed installation of bus shelter to include advertising panels – application no 18/03714/ADV – 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 56 Causewayside, Edinburgh EH9 1PY - Redevelopment comprising a ground floor and first floor licensed restaurant, 4 student flats and 1 private penthouse flat – application no 08/01689/FUL – report by the Chief Planning Officer (circulated)

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

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(a) 20 Charlotte Square, Edinburgh - Alteration and extension to offices, removal of non-original dormers to front elevation (as amended) – application no 18/03695/FUL – report by the Chief planning Officer (circulated)

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

- 7.1(b) 20, 21 And 22-23 Charlotte Square, Edinburgh - Demolition of existing non-original rear extensions and dormers to front elevation, construction of new rear extensions and new mansard roof at rear, installation of new rooflights, slim double glazed windows and internal alterations (as amended) – application no 18/03413/LBC – report by the Chief Planning Officer (circulated)

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

- 7.2 98 Ocean Drive, Edinburgh (At Land 120 Metres South East of) - Residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended) – application no 18/00846/FUL – report by the Chief Planning Officer

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 Communications

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 4240, 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 www.edinburgh.gov.uk/meetings .

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Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

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Item 3.1 - Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 10 October 2018

Present:

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

1. Minutes

To approve the minute of the Development Management Sub-Committee of 12 September 2018 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, and 7 of the agenda for the meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.2 – 1-5 Osbourne Terrace, Edinburgh as requested by Councillors Mowat and Staniforth.

Declaration of Interests

Councillor McLellan declared a non-financial interest in item 7.1 –13 Etrick Road, Edinburgh as he was a resident of an adjacent property to the application site and took no part in consideration of the item.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

3. 1-5 Osbourne Terrace

Details were provided of proposals for the change of use of the building from office (Class 4) to hotel (Class 7), removal of existing single storey rear extension, erection of 2x new rear extensions and glazed rooftop extension to provide 157 bedrooms, ancillary restaurant and bar, at 1-5 Osbourne Terrace, Edinburgh - application no 18/02976/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To agree to determine the application at this meeting of the Sub-Committee.

- moved by Councillor Gardiner, seconded by Councillor Childs.

Amendment

To continue consideration of the application for a site visit.

- moved by Councillor Staniforth, seconded by Webber.

Voting

For the motion: - 5 votes

(Councillors, Child, Dixon, Gardiner, Gordon and Griffiths)

For the amendment: - 6 votes

(Councillors, Booth, Mitchell, McLennan, Osler, Staniforth and Webber)

Decision

To continue consideration of the application for a site visit.

(Reference – report by the Chief Planning Officer, submitted)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><u>Item 4.1 - 80 Main Street, Edinburgh (At McKenzies)</u></p>	<p>Change of use from public house to office and residential accommodation, alterations to existing buildings and erection of new residential development with associated landscaping - application no 18/02244/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.2 - 1-5 Osborne Terrace, Edinburgh</u></p>	<p>Change of Use of the building from office (Class 4) to hotel (Class 7), removal of existing single storey rear extension, erection of 2x new rear extensions and glazed rooftop extension to provide 157 bedrooms, ancillary restaurant and bar – application no 18/02976/FUL</p>	<p>To CONTINUE consideration of the application for a site visit. (On a division)</p>
<p><u>Item 7.1 - 13 Etrick Road, Edinburgh (At Royal Etrick Hotel)</u></p>	<p>Alterations and minor adjustments to approved residential scheme, Ref 16/02258/FUL, New conservation rooflights to replace existing dormers; 2 no. new roof terraces; 2 new doors for terrace access, private garden access; New private main entrance- application no 18/03165/FUL</p>	<p>To GRANT planning permission, in principle, subject to the conditions, reasons and informatives in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 7.2 -101 Western Harbour</u></p>	<p>Western Harbour: Revised Design Framework</p>	<p>To APPROVE the revised design framework.</p>

Item 3.2 - Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 24 October 2018

Present:

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

1. Minutes

To approve the minute of the Development Management Sub-Committee of 26 September 2018 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, and 7 of the agenda for the meeting.

Requests for Presentations

The Chief Planning Officer gave presentations on agenda item 4.1 – 1 - 5 Baltic Street, Edinburgh, EH6 7BR, as requested by Councillor Gardiner; item 4.3 – 194 Fountainbridge, Edinburgh (Land Adjacent to), as requested by Councillor Gardiner; and item 4.4 – 100 Niddrie Mains Road, Edinburgh, EH16 4DT, as requested by Councillors Booth, Gardiner and Ross.

Declaration of Interests

Councillor Gordon declared a non-financial interest in Item 7.1 as he had previously expressed a view on this application, and took no part in consideration of the item.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

3. 37 – 38, 39 St Andrew Square, Edinburgh,

Details were provided of proposals for the change of use of the building to a hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units with associated alterations and extensions - application no 18/03272/FUL; for internal and external alterations to including rear extensions replacing existing two-storey 1960s office extension, alteration of boundary wall and curtilage building – application no 18/03273/LBC; and for internal and external alterations to enable change of use from banking hall and associated offices to hotel,

including roof-top extension and alteration to boundary wall (as amended) – application no 18/03274/LBC.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the three applications be granted.

Motion

To grant planning permission for application 18/03272/FUL and listed building consent for applications 18/03273/LBC and 18/03274/LBC subject to the conditions, reasons and informatives as detailed in the reports by the Chief Planning Officer.

- moved by Councillor Child, seconded by Councillor Mowat.

Amendment

To refuse planning permission for application 18/03272/FUL and listed building consent for applications 18/03273/LBC and 18/03274/LBC for the reason that the proposals were contrary to the LDP Planning Policies Des 1 (Design Quality and Context), Des 12 (Alterations and Extensions), Env 3 (Listed Buildings - Setting) and Env 4 (Listed Buildings – Alterations and Extensions).

- moved by Councillor Gardiner, seconded by Councillor Gordon.

Voting

For the motion: - 9 votes

(Councillors Booth, Child, Dixon, Griffiths, McLellan, Mitchell, Mowat, Ross and Staniforth)

For the amendment: - 2 votes

(Councillors Gardiner and Gordon)

Decision

To grant planning permission for application 18/03272/FUL and listed building consent for applications 18/03273/LBC and 18/03274/LBC subject to the conditions, reasons and informatives as detailed in the reports by the Chief Planning Officer.

(Reference – report by the Chief Planning Officer, submitted.)

4. 100 Niddrie Mains Road

Details were provided of proposals for the demolition of the existing Lidl building and the erection of a new build residential development comprising of 136 flatted units across 5 no. blocks; with associated parking, roads and landscaping – application no 18/02744/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To grant planning permission subject to the conditions, reasons and informatives as detailed in the report by the Chief Planning Officer.

- moved by Councillor Child, seconded by Councillor Mowat.

Amendment

To refuse planning permission for the reason that the proposals were contrary to the LDP Planning Policy Hou 2 (Housing Mix).

- moved by Councillor Gardiner, seconded by Councillor Booth.

Voting

For the motion: - 7 votes

(Councillors Child, Dixon, Griffiths, McLellan, Mitchell, Mowat and Staniforth)

For the amendment: - 4 votes

(Councillors Booth, Gardiner, Gordon and Ross)

Decision

To grant planning permission subject to the conditions, reasons and informatives as detailed in the report by the Chief Planning Officer.

(Reference – report by the Chief Planning Officer, submitted.)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><u>Item 4.1 - 1 - 5 Baltic Street, Edinburgh, EH6 7BR</u></p>	<p>Mixed Use Commercial (classes 1, 2, 3 and 4) and Residential development including the restoration and re-use of listed buildings – application no 18/07468/PAN</p>	<p>1) To note the key issues at this stage. 2) To provide further details of active travel and cycling infrastructure in relation to access arrangements, and how the proposals would fit within the broader active travel in Leith.</p>
<p><u>Item 4.2 - 11 Carlton Street, Edinburgh, EH4 1NE</u></p>	<p>Alterations to townhouse attic studio space including formation of double doors accessing new roof terrace to valley and additional and enlarged rooflights – application no 18/04041/LBC</p>	<p>To REFUSE listed building consent for the reasons set out in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.3 - 194 Fountainbridge, Edinburgh (Land Adjacent to)</u></p>	<p>Application for Modification of s75 Agreement relating to planning consent 15/02892/PPP – application no 18/05214/OBL</p>	<p>To ACCEPT the application to MODIFY the planning obligation as detailed in section 3 of the report by the Chief Planning Officer.</p>
<p><u>Item 4.4 - 100 Niddrie Mains Road, Edinburgh, EH16 4DT</u></p>	<p>Demolition of existing Lidl building and erection of new build residential development comprising of 136 flatted units across 5 no. blocks; with associated parking, roads and landscaping – application no 18/02744/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives in section 3 of the report by the Chief Planning Officer. (On a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 7.1 - 128 Lower Granton Road, Edinburgh, EH5 1EX</u>	Alterations to house to form a two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures – application no 18/06386/LBC	To GRANT listed building consent subject to the conditions, reasons and informatives in section 3 of the report by the Chief Planning Officer.
<u>Item 7.2 - 18 Pipe Lane, Edinburgh (At Site 30 Metres North Of)</u>	Application for 13 residential units and associated development – application no 18/01368/FUL	WITHDRAWN from the planning system at request of applicant.
<u>Item 7.3(a) - 37 – 38, 39 St Andrew Square, Edinburgh, EH2 2AD</u>	Change of use to hotel with ancillary bars, restaurants, meeting rooms, retail and commercial units with associated alterations and extensions (as amended) – application no 18/03272/FUL	To GRANT planning permission subject to the conditions, reasons and informatives in section 3 of the report by the Chief Planning Officer. (On a division)
<u>Item 7.3(b) - 37 – 38, 39 St Andrew Square, Edinburgh, EH2 2AD</u>	Internal and external alterations to include rear extensions replacing existing two-storey 1960s office extension, alteration of boundary wall and curtilage building – application no 18/03273/LBC	To GRANT listed building consent subject to the conditions, reasons and informatives in section 3 of the report by the Chief Planning Officer. (On a division)
<u>Item 7.3(c) - 37 – 38, 39 St Andrew Square, Edinburgh, EH2 2AD</u>	Internal and external alterations to enable change of use from banking hall and associated offices to hotel, including roof-top extension and alteration to boundary wall (as amended) – application no 18/03274/LBC	To GRANT listed building consent subject to the conditions, reasons and informatives in section 3 of the report by the Chief Planning Officer. (On a division)

Development Management Sub Committee

Wednesday 5 December 2018

Report for forthcoming application by

**BDW Trading Ltd And Hallam Land Management Ltd. for
Proposal of Application Notice**

18/08834/PAN

**At Land 100 Metres East Of 53, Burdiehouse Road,
Edinburgh**

**Application for full planning permission (major) for
residential development and associated landscaping and
infrastructure.**

Item number	4.1
Report number	
Wards	B16 - Liberton/Gilmerton

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming planning application in respect of an application in principle for major residential development and associated landscape and infrastructure.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice on 12 October 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 application site is approximately eight hectares in area and is sited within the southeast of Edinburgh.

The site lies south of Burdiehouse. It consists of two separate areas. Area A is adjacent to Burdiehouse Road and Burdiehouse Valley Park. Area B is immediately north of Lang Loan and includes frontage/vehicular access to Lang Loan. Area B is adjacent to the south of the category B listed Lime Kilns (listed building reference: LB28159, dated 14 December 1970). There are overhead power lines adjacent to the southern boundary of the Area A.

At present, area A is a Sustainable Urban Drainage System (SUDS) and wildlife area and area B is open countryside/farmland.

2.2 Site History

22 September 2010 - planning permission in principle was refused for residential development (including affordable housing provision), open space, structure planting (including woodland and scrub) and access junction and road alignment (application number 10/01185/PPP).

Reasons for refusal were:

- Inappropriate use on the green belt, contrary to Structure Plan policy Env 10;
- The presumption against the development of greenfield sites;
- The proposal does not adequately protect the green belt's open setting and identity;
- The impact on the open landscape setting of the category B Listed Burdiehouse Limekilns, an important local landscape feature;
- The proposal would lead to coalescence; and
- The loss of prime agricultural land.

10 February 2012 - the above planning permission in principle was granted on appeal (appeal reference: PPA230-2047).

As a result of that decision, and the requirement to provide an effective supply of land for housing, part of the site associated with this application were included in the proposed Local Development Plan as an allocation for residential development - HSG22. This application site area also includes both Area A and Area B of this current application site.

12 June 2013 - minded to grant section 42 application to vary condition 1 of 10/01185/PPP to increase the maximum building heights (application number: 13/00673/FUL). This application site area also includes both Area A and Area B of this current application site.

12 June 2013 - approval of matters specified in conditions approved for 122 houses and flats (application number: 12/04385/AMC). This includes part of Area A of this current application site.

6 November 2013 - Approval of Matters Specified in Condition 2k - structural landscaping areas including woodland and open spaces and paths, of application 10/01185/PPP approved (application number: 13/03048/AMC). This application includes both Areas A and B of the current application site.

19 December 2014 - planning permission granted for residential development of 211 new houses and flats with associated infrastructure (application number: 14/04880/FUL). This application includes parts of both Areas A and B of the current application site.

10 March 2016 - proposal of application notice approved for planning permission in principle for residential development and associated landscape and infrastructure (application number: 15/05877/PAN). This application includes both Areas A and B of the current application site.

9 December 2016 - planning permission in principle submitted for residential development and associated landscape and infrastructure (application number: 16/06036/PPP). This application includes both Areas A and B of the current application site.

Main report

3.1 Description Of The Proposal

An application will be submitted for full planning permission for residential development and associated landscaping and infrastructure.

No further details have been submitted at this time.

3.2 Key Issues

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

(a) the development would be acceptable in principle having regard to the development plan;

The adopted Edinburgh Local Development Plan (2016) designates the site as part of the urban area.

Any application will need to be assessed taking into consideration this designation.

(b) the design, scale and layout are acceptable within the character of the area; and does the proposal comply with the Edinburgh Design Guidance;

The Burdiehouse Site Brief Development Principles is part of the adopted Local Development Plan for the land to the north, adjacent to the application site and should be taken into account.

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

The proposal should have regard to the transport policy of the Adopted LDP and Designing Street. Transport information will be required to support the application.

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

The applicants will be required to submit sufficient information to demonstrate that the site is capable of accommodating the development and that there is sufficient infrastructure capacity. An Environmental Statement is required. In order to support the application, the following documents will be submitted.

- Air Quality Assessment;
- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Drainage Strategy;
- Ecology Report;
- Mineral Assessment;
- Pre-application Consultation Report;
- Planning Statement;
- Surface Water Management Plan;
- Sustainability statement;
- Transport Assessment; and
- Tree Survey.

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

The Proposal of Application Notice was sent to Community Councils, Local Ward Councillors, Neighbourhood Partnership and the MSPs.

A public meeting was held on Friday 23 November 2018 between 2pm and 7pm at Gilmerton Society Hall in Gilmerton.

Posters will be displayed informing the public of the date/time of the public event and details of the proposed development.

The public event will be advertised in Edinburgh Evening News.

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

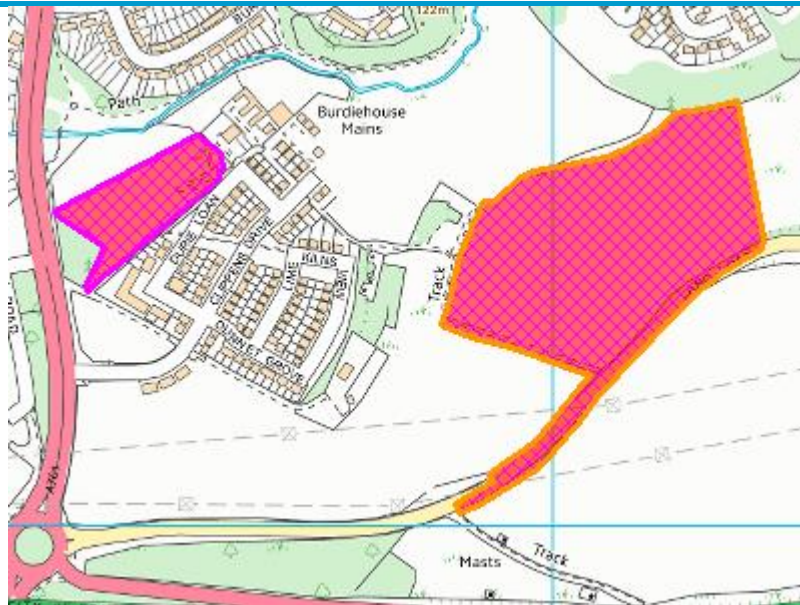
Background reading/external references

- 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

Wednesday 5 December 2018

**Application for Planning Permission 18/07477/FUL
At 7 Broughton Road, Edinburgh, EH7 4EW
Section 42 application for non-compliance with condition 1
of planning permission ref. 09/00039/FUL to allow
extension of store deliveries between the hours of 1000 to
1800 on Sundays.**

Item number	4.2
Report number	
Wards	B12 - Leith Walk

Summary

The changes to the delivery hours could prejudice residential amenity which does not comply with Policy Hou 7 of the adopted Edinburgh Local Development Plan and the non-statutory Guidance for Businesses. The mitigation measures proposed by the applicant are not enforceable by condition. There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LHOU07, NSG, NSBUS,
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Report

Application for Planning Permission 18/07477/FUL At 7 Broughton Road, Edinburgh, EH7 4EW Section 42 application for non-compliance with condition 1 of planning permission ref. 09/00039/FUL to allow extension of store deliveries between the hours of 1000 to 1800 on Sundays.

Recommendations

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

Background

2.1 Site description

The application site comprises a large, single-storey supermarket fronting Broughton Road which has car parking on two levels. Vehicular access is taken from Broughton Road and egress is on to Logie Green Road. The store entrance faces into the site and the delivery area is at the northern end of the store. The delivery area is accessed from Logie Green Road. The surrounding area is predominantly residential with the exception of a small retail grouping on Rodney Street and some commercial uses including a Lidl supermarket on Logie Green Road.

2.2 Site History

13 July 1983 - Planning permission was granted for the erection of a supermarket, service area and car park. A condition imposed restricted store opening and servicing hours to 8am-8pm Monday to Saturday (application number 795/83).

26 September 1991 - Planning permission was granted for a temporary period of one year for an extension of store opening hours. The approved hours were: 10am-5pm on Sunday and extending Friday opening from 8pm to 9pm. Permission was refused for an extension to delivery hours (application number A/01678/91).

03 March 1993 - Planning permission was granted for the hours of opening previously approved on a temporary basis (application number A/02152/92).

04 March 1998 - Planning permission was granted for an alteration to trading hours (Mon-Sat 8am-9pm, Sun 10am- 6pm). Permission was also granted for a period of one year for a change in servicing hours (Mon-Sat 7.30am-8pm and Sun 3pm-5pm) (application number 97/02480/FUL).

17 November 2006 - Planning permission was granted for a temporary period of one year for an extension to the store operating hours. The approved hours for trading were - 8am-9pm Monday to Friday and 8am-8pm Saturday and Sunday; deliveries - 7.30am-8pm Monday to Saturday and 3pm-5pm on Sunday (application number 06/03853/FUL).

22 July 2003 - An enforcement enquiry into a breach of opening hours was closed (Enforcement reference number 03/00513/E39).

14 November 2008 - An enforcement enquiry into a breach of opening hours was closed (Enforcement reference number 08/00485/ECOND).

09 April 2009 - Planning permission was granted for a variation of condition 6 of planning application Ref, 795/83 to extend store delivery hours to 07:00- 20:00 Monday to Saturday and 12:00 - 18:00 Sunday (application number 09/00039/FUL).

09 April 2009 - Planning permission was granted for a variation of condition G03 planning application Ref 97/02480/FUL to extend store trading hours to 07:00 - 22:00 Monday to Saturday and 09:00 - 22:00 Sunday (application number 09/00040/FUL).

14 July 2014 - Planning permission was refused for a Section 42 application for the non-compliance with condition 1 of permission ref. 09/00039/FUL. Variation sought to allow extension of store deliveries between the hours of 07:00 to 21:00 Mon-Sat and 09:00-18:00 Sunday (application number 14/01866/FUL).

Main report

3.1 Description Of The Proposal

This is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 which seeks to modify condition 1 of planning permission ref. 09/00039/FUL to allow store deliveries between the hours of 10:00 to 18:00 on Sundays. It is currently restricted to 12:00 to 18:00 hours on a Sunday.

Supporting Documents

Noise Impact Assessment

This document is available to view on the 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 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 extension of store delivery hours will intrude upon residential amenity; and
- b) any comments raised have been addressed.

a) Residential Amenity

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 non- statutory Guidance for Businesses states that proposals will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area.

The existing conditioned hours of delivery are 07:30-20:00 hours (Monday to Saturday) and 12:00-18:00 hours (Sunday). This application would increase this to 10:00-18:00 on a Sunday.

This would allow deliveries 2 hours earlier on a Sunday morning. The supermarket is surrounded by residential dwellings, the closest of which to the north, is within approximately 20m of the service yard. There is a history of complaints from surrounding residential regarding delivery noise from the service yard.

A Noise Impact Assessment has been submitted which seeks to demonstrate that no negative impact on amenity will result from this proposal. It finds that typical noise levels associated with the delivery yard will be no louder than the existing background noise levels. Notwithstanding this, it also suggests that a specific program of noise reducing measures is introduced to the operation of the service yard through a 'Service Yard Noise Management Plan'. To ensure that noise from the service yard is minimised, the document suggests that the requirements of a Service Yard Noise Management Plan can be secured through a planning condition.

Environmental Protection does not accept the statement that the noise levels associated with the delivery yard will be no louder than the existing background noise levels as there is no physical structure designed to mitigate a known level of noise. In addition, the program of measures outlined in the Noise Impact Assessment is not enforceable as it does not meet the six tests as set out in Circular 4/1998 relating to the use of conditions on planning permissions. A Service Yard Noise Management Plan would by its nature contain mitigating measures outwith the control of the planning authority and so would be without remedy through an enforcement notice. It would be unreasonable to expect the planning authority to effectively monitor the continual implementation of that management plan and any potential infringements of it, no matter how small. It would raise public expectation that the planning authority could provide such a role. Little weight can therefore be attached to the proposed management plan especially as the planning permission runs with the land and not a specific operator.

No control can be placed on the noise level of the service yard in the proposed extended hours of operation so the potential for a negative impact on residential amenity would exist.

Whilst the increase in delivery hours may have benefits to the store, extending the operational hours to those requested would be likely to cause a loss of amenity to residents.

The proposal is not acceptable in terms of adverse impact on residential amenity and does not comply with LDP Policy Hou 7 and the Non- statutory Guidance for Businesses.

b) Public comments

Material Considerations – objection

- increased noise and disturbance early in the morning. This has been addressed in section 3.3a).
- whether the terms of the submitted service yard management plan are enforceable. This has been addressed in section 3.3a).

Material Considerations- support

- earlier deliveries would allow fresh produce to be available to the customer earlier in the day; this is addressed in section 3.3a).

Conclusion

The changes to the delivery hours could prejudice residential amenity which does not comply with Policy Hou 7 of the adopted Edinburgh Local Development Plan and the non-statutory Guidance for Businesses. The mitigation measures proposed by the applicant are not enforceable by condition. There are no material considerations which outweigh this conclusion.

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 proposed extended hours has the potential for a materially detrimental effect on the living conditions of nearby residents.
2. The proposals are contrary to development plan policy as interpreted using the non-statutory Guidance for Businesses as it has the potential to lead to an increase in noise and disturbance to the detriment 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 attracted 5 letters of objection and a petition containing 45 signatures supporting the application.

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 with the urban area of Edinburgh Local Development Plan.

Date registered

14 September 2018

Drawing numbers/Scheme

1,

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 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.

Relevant Non-Statutory Guidelines

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.

Appendix 1

Application for Planning Permission 18/07477/FUL At 7 Broughton Road, Edinburgh, EH7 4EW Section 42 application for non-compliance with condition 1 of planning permission ref. 09/00039/FUL to allow extension of store deliveries between the hours of 1000 to 1800 on Sundays.

Consultations

Environmental Protection

The applicant seeks to extend the conditioned hours of operation (application 09/00039/FUL) of the service yard of the supermarket at 7 Broughton Road on Sundays from 1200-1800 to 1000-1800. The supermarket is surrounded by residential dwellings, the closest of which to the north is approximately 20m of the service yard. Complaints from neighbouring residents regarding delivery noise from the service yard are on record.

The agent has submitted a noise impact assessment which seeks to demonstrate that no negative impact on neighbouring amenity will result from this proposal. The author finds that the typical average noise levels associated with the delivery yard will be no louder than the existing background noise levels. The author also suggests that a specific program of noise control measures is introduced to the operation of the service yard through a 'Service Yard Noise Management Plan'. The suggestions in this plan are not enforceable by condition and therefore no controls can be placed on the noise level of the service yard; the potential for a negative impact on residential amenity would exist.

Environmental Protection recommends that this application be refused due to the risk to neighbouring amenity.

Should you wish to discuss the above please contact me on 0131 469 5807.

Location Plan



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Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/01969/FUL
At Land 44 Metres Northwest Of 1, Cockburnhill Road,
Balerno
New Dwelling on Land to North of 1 Cockburnhill Road,
Balerno.**

Item number	4.3
Report number	
Wards	B02 - Pentland Hills

Summary

The proposed development is contrary to the Edinburgh Local Development Plan Policy Env 10: Development in the Green Belt and Countryside Areas and would also detract from the landscape quality and rural character of the area.

Furthermore, the location of the proposal and loss of trees within this woodland will have an adverse impact on the special character and quality of the Special Landscape Area.

The proposal is therefore contrary to Edinburgh Local Development Plan Policies Des 3: Development Design, Env 11: Special Landscape Areas and Env 12: Trees.

It is recommended that planning permission is refused.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES03, LDES04, LDES05, LEN10, LEN12, LEN21, LHOU01, LHOU03, LHOU04, LTRA02, LTRA03, NSG, NSGD02, NSGCGB,
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Report

Application for Planning Permission 18/01969/FUL At Land 44 Metres Northwest Of 1, Cockburnhill Road, Balerno New Dwelling on Land to North of 1 Cockburnhill Road, Balerno.

Recommendations

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

Background

2.1 Site description

The site is a section of garden ground situated on the western side of Johnsburn Road. This area of ground forms part of the existing dwelling at 1 Cockburnhill Road which is a two storey dwelling located on the corner of Johnsburn Road and Cockburnhill Road.

To the north of the site lies a two storey stone built property on the corner with Glenbrook Road. A modern housing development is located to the east side of Johnsburn Road and a dense tree belt is located immediately to the west of the site.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is for the construction of an L shaped two storey four bedroom dwelling house on the site. The house measures 7.8 metres in height at the highest point and will cover a floor area of 257 square metres. Materials proposed are predominantly render to the elevations, rain screen cladding and a natural slate roof.

The proposal includes the removal of three trees located within the curtilage of the site to facilitate the development.

The applicant has submitted the following documents which are available to view via the Planning and Building Standards Online Service:

- Tree Survey; and
- Planning Statement.

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 landscape impacts are acceptable;
- c) the proposed scale, form and design are acceptable;
- d) the proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) the proposal raises any concerns in respect of parking or road safety;
- f) the proposal raises any concerns in respect of flood prevention;
- g) there are any material considerations that justify approval or refusal;
- h) any issues raised by objectors have been addressed; and
- i) the proposal raises any issues in respect of equalities and human rights.

a) Principle of Proposal

Edinburgh Local Development Plan (LDP) policy Env 10 states that within Green Belt development will only be permitted:

- *For the purposes of agriculture, woodland and forestry, horticulture or countryside recreational;*
- *For the change of use of an existing building, provided the building is of architectural merit or valuable element in the landscape and is worthy of retention;*

- *For development relating to an existing use of building(s) such as an extension to a site or building, ancillary development or intensification of the use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, of high quality design and acceptable in terms of traffic impact.*
- *For the replacement of an existing building with a new building in the same use.*

The proposal is for the formation of a new dwelling which will form a new planning unit sitting within its own separate curtilage and as such does not constitute ancillary development or intensification which relates to an existing use or building(s).

The proposed new house does not meet the remaining criteria of policy Env 10 as it is not development for the purposes of agriculture, woodland and forestry, horticulture or for a countryside recreational use. Neither is it a change of use, or extension to an existing building, and it is not for the replacement of an existing building.

The proposal does not comply with LDP policy Env 10 or the Council's Guidance for Development in the Countryside and Green Belt and would not be supported in this location. For the reasons set out in section 3.3b) the proposals would also detract from the landscape quality and rural character of the area.

b) Landscape

The site is identified in the LDP as a Special Landscape Area (SLA). Policy Env 11 states that planning permission will not be granted for development which would damage or detract from the overall character and quality of the SLA. The Review of Local Landscape Designations, The City of Edinburgh Council, January 2010 outlines the potential pressures upon landscape integrity as being "*cumulative impacts upon landscape character and visual amenity.*"

SPP paragraph 202 states that the siting and design of development should take account of local landscape character. Decisions should also take account of potential effects on landscapes and natural environment.

The site is part of a larger woodland area which extends to the south and west and forms an important boundary between the transition from residential to the east and countryside to the west. The incursion of a single dwelling into this woodland will have an adverse impact on the special character and quality of this SLA.

The proposal will have an adverse impact on the Special Landscape Area and does not comply with LDP policy Env 11.

Policy Env 12 states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for arboricultural reasons.

A tree survey was submitted with the application. The submitted drawings for the development show three trees to be removed but the footprint of the proposed dwelling will result in more trees having to be removed. Whilst individually these trees may be of moderate to poor value it is their collective value within this woodland which is important and their loss will have an adverse impact on the character of this countryside location.

The proposal does not comply with LDP policy Env 12.

Policy Env 16 of the LDP states that development that would have an adverse impact on species protection will not be granted.

A bat roost survey has been submitted by the applicant. It is concluded from this that no further assessment is required for roosting bats.

The proposal will not have an adverse impact on species protection and complies with LDP policy Env 16.

c) Scale, design and form

The application property will be two storeys in height matching the character of the residential properties in the area. There is a difference of approximately 1.4 metres between the application site and the neighbouring site to the north and the proposal has been designed so that the height of the new dwelling will not sit higher than the neighbouring property. The contemporary design of the building provides a suitable contrast to the existing properties which in itself would not raise any significant design issues.

Policy Des 3 of the LDP aims to ensure that development will be supported where it is demonstrated that existing characteristics and features, including trees, woodland and landscape character worthy of retention on the site and surrounding area, have been identified, incorporated and enhanced through its design. This proposed dwelling will result in the loss of trees and coupled with the incursion to the woodland area will have an adverse impact on the special character and quality of this SLA.

The proposal fails to comply with LDP policy Des 3.

d) Amenity

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity.

The proposed dwelling would meet the requirements of the Edinburgh Design Guidance in terms of the provision of adequate floorspace, and internal living environment for future occupiers. However, the open space provided for this site is covered with trees and this will have an impact on the level of daylight and sunlight that reaches this space and could potentially adversely affect the amenity of the occupiers.

Sunlight: The proposal marginally breaches the 45 degree/2 metre height on the boundary guidance. This represents a small area of garden ground of the neighbouring property and would not have a significant detrimental impact on the existing level of amenity enjoyed by the neighbouring occupants.

Privacy: The proposed dwelling is positioned 3.5 metres off the boundary to the north and is orientated so the main windows face west. The boundary to the north currently has vegetation which will provide adequate screening for the ground floor windows with the upper window serving an en-suite. The proposal will not raise any privacy issues.

Notwithstanding the concerns regarding the amenity of open space, the proposal will on balance not have a detrimental impact on residential amenity and accords with policy Des 5 of the LDP.

e) Road Safety

Policy Tra 2 of the LDP states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in the Council guidance.

The proposal includes the provision of a minimum of two parking spaces and complies with the Council's Non-Statutory Parking Standards for Development.

The Roads Authority has raised no objections to the proposal.

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

f) Flood Prevention

Policy Env 21 of the LDP states that planning permission will not be guaranteed for development that would increase a flood risk.

No details of a surface water management plan has been submitted and it cannot be demonstrated that the proposal will not raise any concerns in respect of flooding.

g) Other considerations

Children and Families

The Council's Supplementary Guidance 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of one house is not expected to generate one additional pupil. A contribution towards education infrastructure is therefore not required.

h) Public Comments

Material Representations – Objection

- The site is within the Greenbelt and Special Landscape Area – addressed in section 3.3a).
- Not in keeping with the area – addressed in section 3.3c).
- Loss of trees – addressed in section 3.3b).

Balerno Community Council

The Balerno Community Council did not request to be a statutory consultee but it objected on the following grounds:

- Greenbelt – the site is in a sensitive location in a rural and countryside character - assessed in section 3.3a).
- Special Landscape Area – the proposal will detract from the landscape quality of the area - assessed in section 3.3b).

Material Representation – Support

- Little impact on its surroundings - assessed in section 3.3b).
- Not intrusive to the area - assessed section 3.3b).
- Edge of greenbelt - assessed in section 3.3b).

i) Equalities and Human Rights

The application was assessed in terms of equalities and human rights. In summary, the building would be fully accessible to those with varying needs relating to mobility, sight impairment, hearing impairment and varying degrees of disability.

Conclusion

The proposed development is contrary to the Edinburgh Local Development Plan Policy Env 10: Development in the Green Belt and Countryside Areas and would also detract from the landscape quality and rural character of the area.

Furthermore, the location of the proposal and loss of trees within this woodland will have an adverse impact on the special character and quality of the Special Landscape Area.

The proposal is therefore contrary to Edinburgh Local Development Plan Policies Des 3: Development Design, Env 11: Special Landscape Areas and Env 12: Trees.

It is recommended that planning permission is refused.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to policy Env 10 of the adopted Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt as it would involve the development of a new build dwellinghouse in a green belt location with no exceptional planning reason to justify a dwelling house in this location and will detract from the landscape quality and the rural character of the area.

2. The proposal is contrary to the adopted Edinburgh Local Development Plan Policies Des 3, Env 11 and Env 12 as the location of the proposal and loss of trees within this woodland will have an adverse impact on the special character and quality of the Special Landscape Area.

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:

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 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 18 May 2018. Twenty eight letters of objection and twenty eight letters of support regarding the proposal were received. A full summary of the matters raised by the objectors can be found in section 3.3 (h) 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 designated as Green Belt, Special Landscape Area: Pentlands in the Edinburgh Local Development Plan.

Date registered

3 May 2018

Drawing numbers/Scheme

01-05,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

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

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

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

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

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 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.

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 DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

Appendix 1

Application for Planning Permission 18/01969/FUL At Land 44 Metres Northwest Of 1, Cockburnhill Road, Balerno New Dwelling on Land to North of 1 Cockburnhill Road, Balerno.

Consultations

Roads Authority

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

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2017 (http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines_including);

- a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
- b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
- c. Any gate or doors must open inwards onto the property;
- d. Any hard-standing outside should be porous;
- e. Any works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

Note:

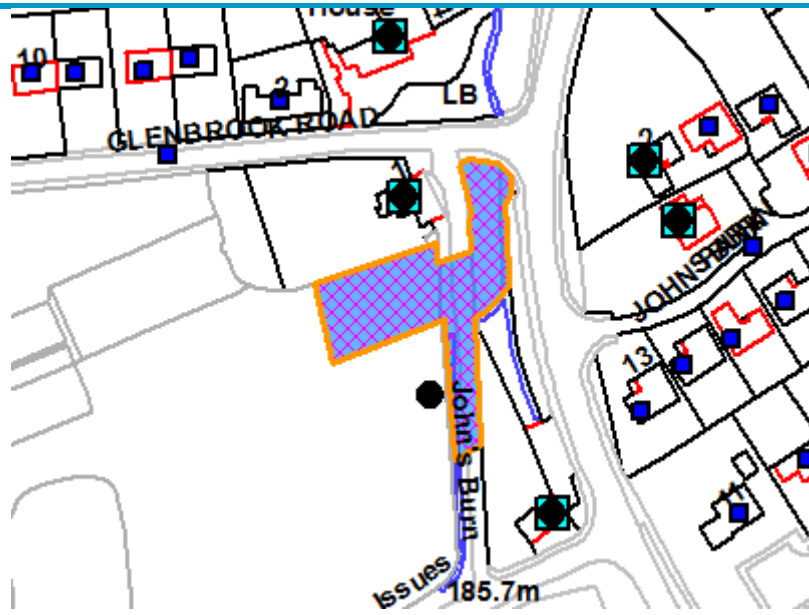
The proposed development meets the current Council parking standards of a maximum of 2 spaces.

Children and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of one house is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Location Plan



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END

Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/01445/FUL
At 130 Constitution Street, Edinburgh, EH6 6AJ
Amendment to Planning Permission 16/00682/FUL to
remove car parking and increase bedrooms from 25 to 32
within the hotel element (retaining nine private flats as
previously approved)**

Item number	4.4
Report number	
Wards	B13 - Leith

Summary

The hotel use and flatted development are acceptable in principle. The form and design restore a substantial proportion of the existing building fabric and retain the character and appearance of the conservation area. Impact upon neighbouring amenity is acceptable. The revised parking arrangements meet Council objectives. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES12, LEMP10, LHOU01, LEN21, LEN06, LTRA02, LTRA04, NSG, NSLBCA, NSP, OTH, CRPLEI,
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Report

Application for Planning Permission 18/01445/FUL At 130 Constitution Street, Edinburgh, EH6 6AJ Amendment to Planning Permission 16/00682/FUL to remove car parking and increase bedrooms from 25 to 32 within the hotel element (retaining nine private flats as previously approved)

Recommendations

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

Background

2.1 Site description

The site primarily fronts onto two sections of Coatfield Lane, but with a 10 metre wide section facing onto Constitution Street. The site as a whole extends to 923 square metres and contains a rendered two storey Victorian office at its Constitution Street (east) end with various stone-built warehouses behind. At the extreme west, these warehouses have stood in a state of partial demolition since the 1950s. The broken remnant contains a single storey garage within the partially demolished walls at this side.

Adjoining the site on its south-east side is a two storey 18th century vernacular building, used as an office. This is listed category B (reference no: 27379, listed on 20 February 1985). The north wing of a further category B listed building attaches the southern boundary (reference no: 27386, listed on 14 December 1970). A modern block of flats stands to the immediate south-west, within what was previously the rear courtyard of the latter listed building. This rises to five storeys in height and sits along the majority of the south boundary of the application site.

To the immediate west lies a wide area of public parking, with low-rise (four storey) 1970s Council housing beyond and to the north. The tower block "Linksvie House" is visible to the north-west, and the tower-block "Kirkgate House" is visible to the south. Port of Leith Housing Association has its main office on the opposite side of the lane to the north-east.

This application site is located within the Leith Conservation Area.

2.2 Site History

26 January 2016 - planning application for a mixed use development on a wider site (encompassing the listed building to the south-east) was withdrawn (application reference: 15/05013/FUL).

6 March 2018 - planning permission granted, following conclusion of legal agreements, for a mixed use development of nine private flats plus a 25-bedroom hotel with an underground car park (application reference: 16/00682/FUL).

Main report

3.1 Description Of The Proposal

The application proposes conversion and alteration to an existing building group to create a 32 bedroom hotel, plus a new-build element containing nine flats. The flatted element contains four studio flats, three one-bedroom flats and two two-bedroom flats. Studio flats range from 36 to 38 square metres. One bedroom units are all 53 square metres. Two bedroom units are of 66 and 71 square metres.

The application represents a material variation to a live planning permission. The change focusses upon an increase in hotel bedrooms and the omission of the previously approved underground car park.

The previously approved basement level car park is deleted from the proposal, leaving only four car parking spaces and one motorcycle space at ground floor level. A secure cycle store with 18 spaces (serving the residential element) is also provided. The central courtyard within the hotel element is readily used for secure cycle storage for staff.

The overall design concept and building envelope are unchanged in relation to the previous permission. This retains the buildings on Constitution Street and facing north onto Coatfield Lane. This includes incorporation of the existing broken stone gable on the north-east corner in its existing form. The design of the new rendered block facing west remains broadly unchanged, as does the layout and design of new elements facing the small internal courtyard.

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 principle of the proposed uses is acceptable;
- b) the scale, form and design are appropriate to the character and appearance of the conservation area;
- c) parking and road safety issues are considered;
- d) the proposal would impact upon neighbouring amenity;
- e) amenity of the proposed housing is adequate;
- f) flood risk is assessed;
- g) infrastructure is considered;
- h) archaeological interests are considered;
- i) comments made have been addressed; and
- j) equality and human rights issues have been addressed.

a) Principle

Policy Hou 1 of the Edinburgh Local Development Plan (LDP) applies to the housing element within the proposal. The immediate area is predominantly residential and housing use remains acceptable in principle, subject to other policy requirements being met.

The density of the residential component is unchanged (at 121 units per hectare), and is comparable to other residential developments in the area.

LDP policy Emp 10 - Hotel Development, supports hotel use "in locations within the urban area with good public transport access to the city centre". Constitution Street meets this definition and is a suitable location for hotel use. The increase in hotel bedrooms (within the previously approved envelope) does not affect the fact that the hotel use is acceptable in principle.

The proposed mix of uses remains acceptable in principle.

b) Impact on the Conservation Area

Leith Conservation Area Character Appraisal states that Constitution Street *echoes the traditional street pattern. Although Constitution Street has been widened in many parts, many of the narrow original plot widths reflected in the building frontages and the differing heights are reminders of the earlier street pattern. The traditional spatial structure is still apparent in the network of narrow streets and lanes with their changing widths and curving layouts that lead from the western part of the Shore.*

LDP policy Env 6 considers impact upon the character and appearance of the conservation area. Coatfield Lane is unchanged in its layout since the 18th Century, but the Kirkgate to the west (and adjacent car park) contains none of its historic layout, and is modern in both street pattern and form.

The majority of the proposal is contained within existing buildings, and represents a welcome retention and re-use of these elements. The new-build element retains the broken silhouette of the demolished stone building on its northern side (as it currently stands). No historic elements of any importance are lost from the outer public face of the development. Adjustments are made to fenestration including the reopening of currently blocked openings.

The new-build element represents only 20% of the outer curtilage, and adjoins a 21st Century block of the same general scale and form on its south side. It faces the 1970s buildings of the central Kirkgate, not typical of the wider conservation area, but creating a character of its own on the Kirkgate. In relation to the existing broken fragments at the west side of the site, the new-build element represents an improvement to the character and appearance of the conservation area.

As seen from Constitution Street, all buildings are retained and brought into a new use. As seen from the car park to the west, the new-build element blends with the adjacent new-build flats. A modern idiom is acceptable in this part of the site.

The retained elements are considered a major positive element within the proposal. The existing buildings are not listed and there is no requirement to keep 100% of their current fabric. The proposed design still retains the character of the lane and the solution is considered both effective and appropriate.

The net impact upon the character and appearance of the conservation area remains positive and acceptable.

c) Parking and Road Safety

LDP policy Tra 2, read in conjunction with the Council's Parking Standards, consider appropriate parking levels. The site lies within Zone 3a. Council objectives have changed since the original consent and now seek to minimise car generation.

The previously proposed underground car park is now omitted from the proposal. Revised parking standards would now accept zero provision for both hotel and private flats as the site lies on a public transport corridor.

A total of four car parking spaces are now proposed. All lie under the new-build housing element to the west. As all spaces are internal they can readily be adapted to accommodate electric charging points. This is addressed by an informative. The Roads Authority is satisfied that the proposed level of car parking is sufficient, given the site's proximity to public transport (including the proposed tram).

A revised legal agreement is required in relation to the required tram contribution (see section 3.3 g)

Cycle parking for the residential element is 200%.

d) Impact on Neighbouring Amenity

LDP policy Des 5 and the Edinburgh Design Guidance consider impact upon privacy and daylight to neighbours.

The proposal is unchanged in terms of scale or window locations, and amenity levels to neighbours are unaltered in relation to the live permission.

LDP policy Hou 7 considers inappropriate uses in residential areas.

The hotel does not include any bar and dining facilities are restricted. This hotel use already has a live planning permission and Environmental Protection were therefore not reconsulted on this issue. The increase in bedroom numbers will have no material impact upon neighbouring amenity and amenity levels will remain acceptable.

e) Amenity of the Proposed Housing

LDP policy Des 5 and the Edinburgh Design Guidance consider amenity of the proposed flats.

All units will have adequate sunlight and daylight and meet minimum space standards. Although the development lacks open space, this is not practical if preserving the urban form, and the site lies only 120 metres from Leith Links. Committee previously agreed this as being satisfactory, and agreed that a contribution towards upgrading Leith Links was not required.

The housing element within the proposal is unchanged and remains acceptable.

f) Flood Risk

LDP policy Env 17 considers Flood Protection.

The basement car park area (which was previously assessed as having a degree of flood risk) is now removed from the application. Flood risk issues are negated by the change in relation to the original planning permission. Flood risk is no longer an issue.

g) Infrastructure

The housing element and type is too small to require a contribution towards either schools or affordable housing.

The site lies on an existing bus route and close to a major transport interchange at the foot of Leith Walk. The tram is proposed to run immediately adjacent to the site along Constitution Street. A legal agreement is sought, prior to the issue of planning permission, to secure an appropriate payment (£101,659) towards construction of the tram. The applicant has agreed to this revised sum.

h) Archaeology

As the site has potential archaeological interest a condition is added requiring an archaeological investigation.

i) Public Comments

Representations were received from 23 neighbouring residents plus Deidre Brock MP.

Material Comments

- lack of car parking - addressed in section 3.3 c) above.
- noise from the hotel element - addressed in section 3.3 d) above.

Non-material Comments

- not all residents received notification.
- loss of view.
- drawings unclear/ambiguous.
- if the tram comes local parking will worsen.
- nature of the accommodation is more likely to be for emergency accommodation.

Community Council

No comments received

j) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

Conclusion

The hotel use and flatted development are acceptable in principle in this location. The form and design restore a substantial proportion of the existing built fabric and retain the character and appearance of the conservation area. Impact upon neighbouring amenity is acceptable. The reduction in parking provision directly addresses current Council objectives to reduce car use and encourage public transport use. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

3. Details of kitchen ventilation for the hotel (demonstrating compliance with all necessary requirements) shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. Prior to the release of decision the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution of £101,659 towards the Edinburgh Tram.
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.
5. All car parking spaces to be equipped with facilities for the charging of electric vehicles.

Financial impact

4.1 The financial impact has been assessed as follows:

The proposal requires a new s75 agreement increasing the required tram contribution from £79,781 to £101,659.

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 6 July 2018.

23 representations were received, all in objection. These are assessed within section 3.3 of the Assessment.

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 Leith Conservation Area as shown in the Local Development Plan.

Date registered

26 June 2018

Drawing numbers/Scheme

1-14,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

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 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

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

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

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

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

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 on 'PARKING STANDARDS' set the requirements for parking provision in developments.

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 18/01445/FUL
At 130 Constitution Street, Edinburgh, EH6 6AJ
Amendment to Planning Permission 16/00682/FUL to remove
car parking and increase bedrooms from 25 to 32 within the
hotel element (retaining nine private flats as previously
approved)**

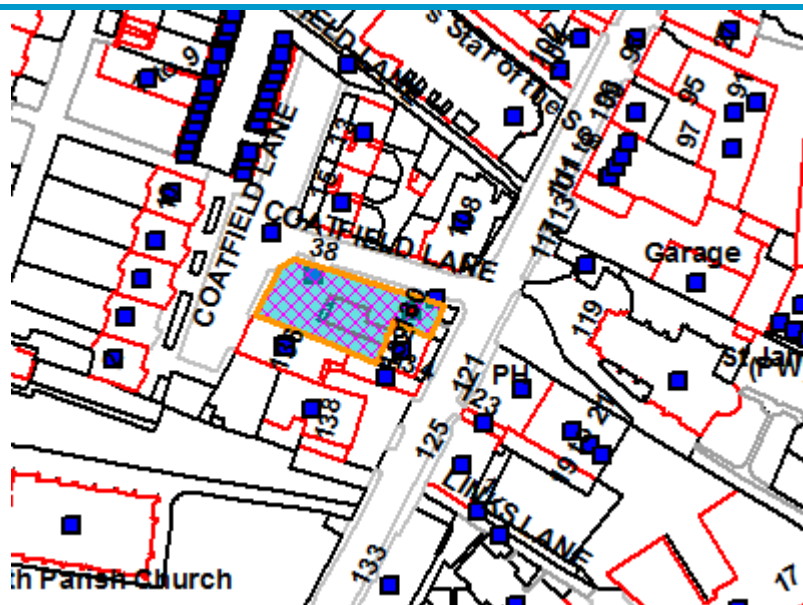
Consultations

Roads Authority

Revised Tram Contribution - having reviewed the previous response to the 2016 application I noticed that the amount didn't account for the existing use, having applied this I come out with a Tram contribution of £101,659 This was calculated based on the following:

- o Existing use (as per email 22/6/16) based on 422m² office use and 885m² Storage = £36,341
- o Proposed use based on 32 room hotel and 9 residential units = £138,000
- o Net use = Proposed Use - Existing Use = £101,659

Location Plan



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Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/07513/FUL
At 46 Craigleith Road, Edinburgh, EH4 2DR
Erect a new dwellinghouse within the curtilage of the
existing property.**

Item number	4.5
Report number	
Wards	B05 - Inverleith

Summary

The proposal does not comply with policies Hou 1, Des 1 and Des 4 of the adopted Local Development Plan and the relevant non statutory guidance. The proposed site is not a suitable location for the erection of a dwelling house and would be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to justify granting planning permission.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU01, LDES01, LDES04, LDES05, NSG, NSGD02,
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Report

Application for Planning Permission 18/07513/FUL At 46 Craigleith Road, Edinburgh, EH4 2DR Erect a new dwellinghouse within the curtilage of the existing property.

Recommendations

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

Background

2.1 Site description

The application site is currently the garden ground of No. 46 Craigleith Road, a semi-detached two storey house on the south side of Craigleith Road. The area is characterised by traditional bungalows, semi-detached and terraced two storey properties which share a horizontal emphasis. Access to the proposed property will be via the existing driveway utilised by No.46.

2.2 Site History

5 October 2016- An application for planning permission to erect a new house within the curtilage of No. 46 Craigleith Road was withdrawn (application reference: 16/03885/FUL).

17 February 2017- An application to erect a new house in the curtilage of an existing house with the curtilage of an existing house. This application was refused under delegated powers (application reference:17/00023/FUL).

28 July 2017- The Local Review Body upheld decision by the chief planning officer to refuse planning permission (review reference:17/00044/REVREF).

Main report

3.1 Description Of The Proposal

The application is for planning permission for the erection of a three bedroom, one and half storey, house with mono pitched roofs, in the garden grounds of No. 46 Craigleith Road. The existing plot would have to be subdivided in order to form two domestic curtilages. The subdivided plot would be 8.1 metres wide and approximately 39 metres deep.

The proposed house would be approximately 15.4 metres deep and approximately 5.8 metres wide.

One parking space would be located within the curtilage of the proposed dwelling.

The dwelling would externally finished in zinc, timber cladding, render and reclaimed brick.

It is proposed that a fence be erected along the new boundary formed between No.46 and the application site, while there is already a solid wall present along the mutual boundary currently shared between No.46 and the neighbouring properties, No. 48 and No. 50 Craigleith Road.

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 development at this location is acceptable;
- (b) The proposal is of an appropriate scale, form and design;
- (c) The proposal will result in a satisfactory residential environment;
- (d) The proposed use would result in any loss of amenity;
- (e) Road safety has been addressed; and
- (f) Public comments have been addressed.

(a) The Principle of Development in this Location

Policy Hou1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail in sections 3.3 b, c, d, e and f below.

Overall the site is not compatible with other policies in the plan and therefore the principle of housing development at the site is not acceptable.

The proposed house will not make a substantial contribution to any shortfall in the housing land supply and little weight can be placed on this consideration.

The proposal does not comply with Policy Hou1.

(b) Scale Form and Design

LDP policy Des1 (Design Quality and Context) states that new development should contribute towards a sense of place and design should draw from positive aspects of the surrounding area.

The proposed design is not appropriate. The dwellings in the surrounding area are largely terraced, semi-detached dwellings and traditional bungalows. The proposal is a one and half storey design which is incompatible with the surrounding context of two storey neighbouring properties.

The proposed house does not respect either the character or appearance of the surrounding area.

LDP Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings.

The proposed one and half storey house will be significantly lower than the two storey properties directly to the east and west of the site. While these properties have dual pitched slate roofs and stone and render wall finishes, the proposal has mono pitched zinc roofs with reclaimed brick and render walls.

The scale, form, materials and detailing are out of character with the surrounding area.

While the subdivided plot will be just over 8 metres wide, nearby, semi-detached, properties on Craigleith Road have plot widths of between approximately 12-17 metres. The nearest detached property to the site on Craigleith Road (No.56) has a plot width of approximately 25 metres.

The proposed house will not have a positive impact on its surroundings in terms of form and positioning of buildings. There is a consistent grain and density to the houses in Craigleith Road which will not be maintained by the proposed addition. The proposed detached property appears to have been squeezed sideways into the plot due to the very limited width of the site.

The proposal does not comply with policies Des1 or Des 4.

(c) Residential Environment

LDP Policy Des 5 (Development Design- Amenity) relates to the impact on amenity of a proposed development.

The Edinburgh Design Guidance also seeks to address the criteria of an acceptable level of amenity for future occupiers of the development.

The proposed dwelling will have large windows to its front and rear elevations at both ground floor and upper level. It would provide adequate levels of sunlight/daylight for any future occupiers. It will also provide adequate internal floorspace and a good amount of external garden ground will also be provided. It would have to comply with the building regulations in terms of adaptability and sustainability and it meets the other criteria of Des 5.

The proposal complies with policy Des 5 and the Edinburgh Design Guidance.

(d) Loss of Amenity to Neighbours

There would be no material loss of amenity to neighbours as a result of the development. Land in a gable to gable situation is not protected for daylight or privacy. The proposed house is not deeper than that of nearby, extended, dwellings and it would not unacceptably overshadow the property either to the east or the west.

There is only one slim window proposed in the side elevation of the property. This would, however, face onto the solid boundary wall. The rear facing windows will overlook the garden of the application property. Windows are assessed for privacy only within the width of the window and spread views are not considered. There are no trees shown for removal.

The proposed property would be detached and set back off mutual boundaries. It is unlikely that normal residential use of the property would generate a significant noise impact upon existing residents. Construction noise is not controlled by the planning authority.

The proposal complies with policy Des 5 and the Edinburgh Design Guidance.

(e) Traffic or Road Safety Issues

The Roads Authority was consulted on the previous application for this site for the erection of a dwelling house within the curtilage of the existing house (application reference 17/00023/FUL). As the proposed house is of a broadly similar size and location they were not re consulted. They offered no objections to the previous proposal subject to the imposition of certain informatives with regards to off street parking provision standards.

Parking standards for new build residential properties have changed since the previous application was assessed. There is one off street parking space proposed at the site which complies with the updated parking standards. There is also secured bike storage proposed to the rear garden of the property. The shared access path and driveway does not raise any road safety concerns.

(f) Representations

Material representations in objection.

- Design and appearance. This is addressed in section 3.3b).
- Parking. This is addressed in section 3.3e).
- Overdevelopment of the site. This is addressed in section 3.3a) & b).
- Overshadowing and loss of sunlight. This is addressed in section 3.3d).
- Overlooking. This is addressed in section 3.3d).
- Setting of a listed building. The proposed erection of a house between existing houses would not harm the setting of the Royal Victoria Hospital.
- Shared access path and driveway. This is addressed in section 3.3e).
- Noise impacts. This is addressed in section 3.3d).
- Loss of landscape, destruction of trees. This is addressed in section 3.3 c) & d).
- Size of property. This is addressed in section 3.3c).
- Impact on skyline. Given the relatively small height of the proposal it is unlikely that it would have a material impact upon important views of the city's skyline.

Non-material representations in objection

- Inaccurate information. The Planning Service can only assess the information provided.
- Structural damage to neighbouring dwellings. This is not a planning matter. The applicant will be required to comply with building regulations.
- Precedent. Every application is determined on its individual merits.
- Preamble for a bigger development. The Planning Service cannot predict future proposals for a site.
- Location of those who made comments - The Planning Service must acknowledge all representations made.

Material representations in support

- Well designed and innovative design. This is addressed in section 3.3b).
- Proportionate in size. This is addressed in section 3.3b).

- Enhances the surrounding area. This is addressed in section 3.3d).
- Gap sites should be used, Edinburgh needs more homes. This is addressed in section 3.3a).
- The site has ample parking provision. This is addressed in section 3.3e).
- The site has ample garden ground. This is addressed in section 3.3c).

Non Material representations in support

Four letters were received that had no reason provided for their support of the proposal.

Conclusion

The proposal does not comply with policy Hou 1, Des 1 and Des 4 of the adopted local development plan and the relevant non statutory guidance. The proposed site is not a suitable location for the erection of a dwelling house and would be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to justify granting 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 1 in respect of Housing Development, as it does not relate to a suitable site in the Urban Area
2. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would be damaging to the character and appearance of the surrounding area.
3. The proposal is contrary to Local Development Plan Policy Des 4 in respect of Development Design-Impact on setting, as it would not have a positive impact upon the character of the wider townscape.

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

In total, 53 representations have been received. 28 letters were in objection to the proposal while 25 were in support. Four letters of support were deemed non material as they made no comment as to why they were in support of the proposal.

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

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 within the 'urban area' as defined by the Local Development Plan.

Date registered

14 September 2018

Drawing numbers/Scheme

01; 02 ; 03 ; 04 ; 05,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail:robert.mcintosh@edinburgh.gov.uk Tel:0131 529 3422

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 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 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.

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.

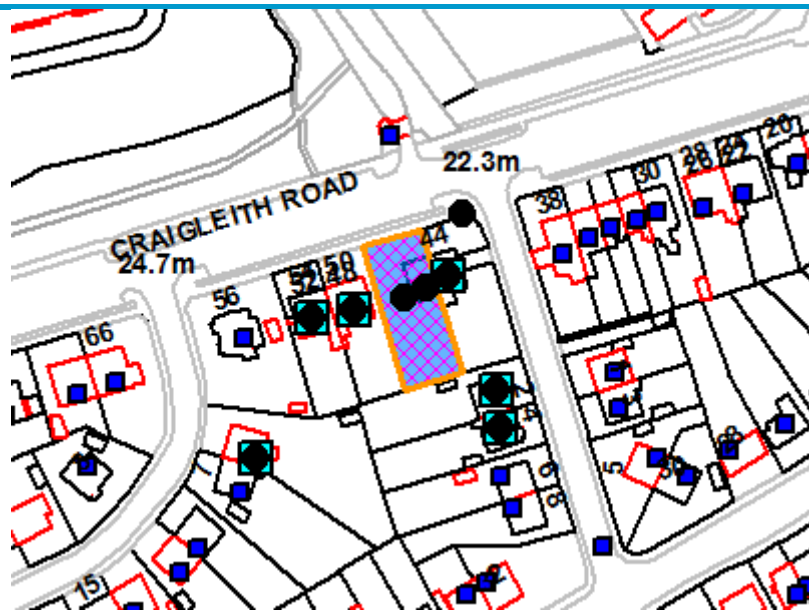
Appendix 1

**Application for Planning Permission 18/07513/FUL
At 46 Craigleith Road, Edinburgh, EH4 2DR
Erect a new dwellinghouse within the curtilage of the
existing property.**

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/07251/FUL
At 4 Mayfield Gardens, Edinburgh, EH9 2BU
Proposed change of use from a 7 bedroom guesthouse
with ancillary private living quarters to a 13 bed 15 person
HMO with associated works (as amended).**

Item number	4.6
Report number	
Wards	B15 - Southside/Newington

Summary

The proposals comply with the adopted Edinburgh Local Development Plan and non-statutory guidelines and would have no adverse effect on the character and appearance of the conservation area. The development would have no detrimental impact on residential amenity or road safety and parking. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN06, LHOU07, LTRA02, LTRA03, NSG, NSLBCA, NSBUS, OTH, CRPCMP,
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Report

Application for Planning Permission 18/07251/FUL At 4 Mayfield Gardens, Edinburgh, EH9 2BU Proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person HMO with associated works (as amended).

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 large stone built, detached property set within its own grounds and dates back to the late 19th century. Currently, the property is used as a guest house.

The property is located on the western side of Mayfield Gardens, close to the junction of Minto Street and West Mayfield. The surrounding area is characterised by a mix of residential and guest house uses.

This application site is located within the Craigmillar Park Conservation Area.

2.2 Site History

9 May 1991 - Planning permission granted for change of use from dwellinghouse to guesthouse (application reference 91/00581/FUL).

7 November 1995 - Planning permission granted for the erection of a sun lounge (application reference 95/02544/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the change of use of the property from a seven bedroom guest house with an ancillary private flat to a 13 bed House in Multiple Occupation (HMO).

There are no external alterations proposed to the building. However, a timber constructed cycle store, which will provide 16 cycle spaces, is proposed to the rear. The parking area has been reconfigured to reduce the number of car parking spaces from eight to four, including two which are suitable for disabled persons' parking.

Internal alterations are proposed to facilitate the change of use. However, these do not constitute development under section 26 of the Town and Country Planning (Scotland) Act 1997.

Scheme 1

The original plans showed parking for 8 cars.

Supporting Information

A Design and Access Statement has been provided with the application. This can be found on the 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 proposal is acceptable in principle;
- (b) the proposal preserves or enhances the character and appearance of the conservation area;
- (c) the proposal impacts on the amenity of neighbouring residents;
- (d) the proposal affects road safety and parking;
- (e) representations raise issues to be addressed; and
- (f) the proposal raises any other matters to be addressed.

(a) Principle of the development

Policy Hou 7 of the adopted Edinburgh Local Development Plan (LDP) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted. Policy Hou 7 is the only policy relevant to an HMO use. It does not seek to restrict the number of HMO properties in an area and is solely concerned with protecting the living conditions of nearby residents. The policy is supplemented by the non-statutory Guidance for Businesses which clarifies that planning permission is only required for HMO use when more than five unrelated people live together. There is no specific guidance on when HMO use might be acceptable or not.

The building is located on a main route into the city centre and provides good links to public transport infrastructure, shopping and community facilities. The surrounding area is characterised by a mix of residential uses including other HMO properties and guest houses. The property is detached and has private grounds which will provide off street parking and cycle storage. The existing guest house use has seven rooms available for guests and ancillary private living accommodation. Currently up to 17 people can be accommodated in the property when the guest house is full; this includes rooms used as the private family dwelling. The change to a 13 bedroom (15 person) HMO is acceptable in principle provided it does not have a detrimental effect on nearby residents (see below).

(b) Character and appearance of the conservation area

Policy Env 6 of the LDP states that development within the conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal. The Craigmillar Park Conservation Area Character Appraisal states that:

'The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.'

The proposal does not involve any external alterations to the property. The proposed cycle storage to the rear is acceptable in terms of scale, form and design and public views to the enclosure will be limited.

The proposal will not have any visual impact on surrounding listed buildings and it will preserve the character and appearance of the Craigmillar Park Conservation Area, complying with LDP Policy Env 6.

(c) Amenity of nearby residents

HMO use is essentially a form of residential use where occupants generally rent a room and share facilities for extended periods of time. The change of use does not raise any issues around increased activity which may have a detrimental effect on the living conditions of nearby residents. Indeed, the change from frequent transient visitors to long term rented accommodation is likely to lead to less activity and potential disturbance.

Concerns have been raised regarding the intensification of HMO use within the wider area. Although policy Hou 7 seeks to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas, there is no further guidance on this in relation to HMOs and there are no defined areas where HMO use might be restricted. Given the area is mixed use in nature, there is no basis to conclude granting planning permission for this development would lead to an intensification of HMO properties in this area.

The change of use of the property to a House in Multiple Occupation will require it to be licensed under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 where controls exist to safeguard neighbouring residential amenity from instances of noise, disturbance and anti-social behaviour.

Environmental Protection has been consulted on this application and raise no objections subject to an informative being added.

Considering the above and the nature of the existing guest house use, the proposed change to a house in multiple occupation will not result in any new material planning considerations which will have a detrimental effect on the living conditions of nearby residents and it therefore complies with LDP Policy Hou 7.

(d) Road safety and parking

The Roads Authority has been consulted on this proposal and raise no objections.

The proposal to retain four of the existing eight parking spaces is considered acceptable as is the provision of up to 16 spaces for cycle parking in a secure and undercover location.

The proposal is acceptable in terms of road safety and complies with LDP Policy Tra2 Private Parking and Tra3 Private Cycle Parking.

(e) Public comments

Material Considerations - Objections

- Adverse impact on neighbouring residential amenity - addressed in section 3.3(c) of the assessment.
- Adverse impact on the conservation area and the existing building - addressed in section 3.3(b) of the assessment.
- Impact on traffic, parking and road safety - addressed in section 3.3(d).
- Intensification of HMO properties within the area - addressed in section 3.3(c) of the assessment.
- Visual impact on the listed buildings adjacent to property - addressed in section 3.3(b) of the assessment.
- Neighbour notification not carried out in accordance with regulations - addressed in section 3.3(f) of the assessment.

Non-Material Considerations

- Applicant did not notify wider community.

- Inadequate living conditions within the property.
- Increase in anti-social behaviour.
- Use as temporary sheltered accommodation.
- No proposed onsite management.
- Concerns over long-term maintenance of the property.

Grange/Prestonfield Community Council

Material Considerations

- Impact on conservation areas - addressed in section 3.3(b) of the assessment.
- Loss of residential use - addressed in section 3.3(f) of the assessment.

Non-Material Considerations

- Internal partitions should be conditioned so they do not have a permanent impact.
- The private accommodation should be kept for onsite management.

(f) Any other matters

Overcrowding

Concerns have been raised over the potential of overcrowding within the property; the accommodation standards and the number of residents within any HMO properties are controlled by Licensing and are not matters for control under the planning legislation. Under Licensing, the properties will be inspected as to their suitability.

Neighbour Notification

The neighbour notification process, site notice and press notice were carried out in accordance with the relevant planning legislation.

Loss of residential use

The property is not currently in residential use. There are no policies in the local development plan which prevent the loss of the existing family dwelling which serves the guest house use. As HMO use is a form of residential use, the proposal will provide residential accommodation in the City.

Conclusion

The proposals comply with the Edinburgh Local Development Plan and non-statutory guidelines and would have no adverse effect on the character and appearance of the conservation area. The development would have no detrimental impact on residential amenity or road safety and parking. There are no material considerations that outweigh this conclusion.

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 works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. It is recommended that glazing shall be specified in accordance with BS8233 (2014) Guidance on sound insulation and noise reduction for buildings to attain the following internal noise levels and the WHO Guidelines for Community Noise:

Bedrooms - 30dB LAeq,T and 45dB LAFmax
Living Rooms - 35dB LAeq,D
T - Night time 8 hours between 2300 and 0700,
D - Daytime 16 hours between 0700 - 2300
NB. CEC consider that a closed window standard is acceptable for transportation noise sources.
5. It is recommended that provision is made for an electric vehicle charging point at the car parking spaces provided.
6. As the proposal is to change the use to a HMO, it is recommended that you consult with the HMO Inspection Team who will be able to advise on the HMO licence standards. 0131 469 5151, E: licensing@edinburgh.gov.uk
7. 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.

8. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category E - Sub divided, or converted).

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 18 September 2018 and a site notice was posted on 21 September 2018.

A total of 111 letters of objection were received. This includes an objection from Grange/Prestonfield Community Council.

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

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 the Craigmillar Park Conservation Area as designated in the LDP.

Date registered

10 September 2018

Drawing numbers/Scheme

01, 02(B), 03-05,

Scheme 3

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 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 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.

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 Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

Appendix 1

Application for Planning Permission 18/07251/FUL At 4 Mayfield Gardens, Edinburgh, EH9 2BU Proposed change of use from a 7 bedroom guesthouse with ancillary private living quarters to a 13 bed 15 person HMO with associated works (as amended).

Consultations

Environmental Protection

The application concerns a substantial Victorian two-storey detached villa on Mayfield Gardens. Mayfield Gardens is main thoroughfare which is busy with traffic and therefore the predominant background noise is from road traffic. Immediately, to the north is located another detached villa on the corner with West Mayfield, which appears to be used as residential accommodation; as are other properties to the west, on West Mayfield. Directly to the west and to the rear of the application property are located the gardens of said properties. To the south is located a modern style 3-storey apartment block, with adjacent residential villas further south. To the east, on the opposite side of the road is a row of Victorian style, 3 storey townhouse properties. The properties are a mixture of residential and guest house uses.

The area is well established for residential use and the property would have originally been used as residential accommodation. The application site is approximately 500m south of the city centre Air Quality Management Area (AQMA). There are no changes to the numbers of parking spaces and the change of uses will not impact on the AQMA.

There are no Environmental concerns regarding this application. In terms of traffic noise and electric vehicle parking, an Informative has been recommended.

Environmental Protection has no objections to this application.

Informative

1. *It is recommended that glazing shall be specified in accordance with BS8233 (2014) Guidance on sound insulation and noise reduction for buildings to attain the following internal noise levels and the WHO Guidelines for Community Noise:*

Bedrooms - 30dB LAeq,T and 45dB LAFmax

Living Rooms - 35dB LAeq,D

T - Night time 8 hours between 2300 and 0700,

D - Daytime 16 hours between 0700 - 2300

NB. CEC consider that a closed window standard is acceptable for transportation noise sources.

2. *It is recommended that provision is made for an electric vehicle charging point at the car parking spaces provided.*

3. *As the proposal is to change the use to a HMO, it is recommended that you consult with the HMO Inspection Team who will be able to advise on the HMO licence standards. 0131 469 5151, E: licensing@edinburgh.gov.uk*

Should you wish to discuss the above please contact me on 0131 469 5357.

Roads Authority

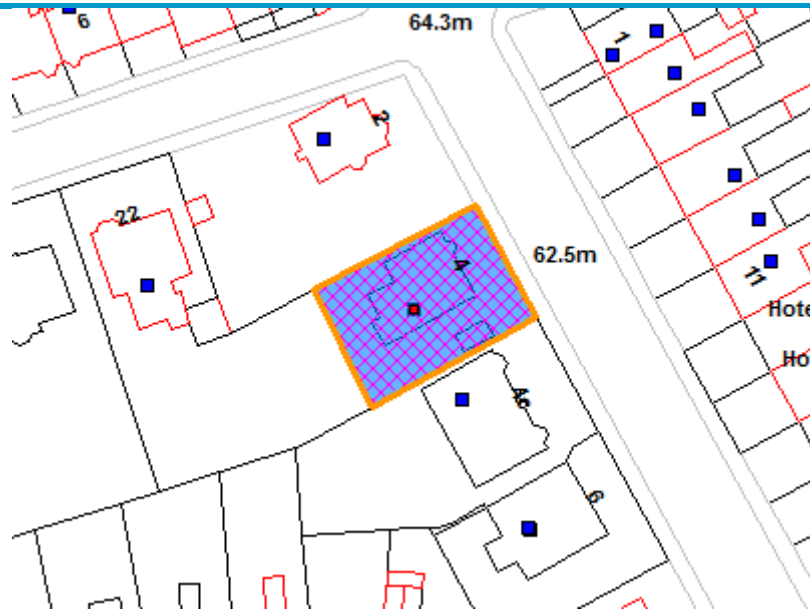
No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to provide 15No.cycle parking spaces in a secure and undercover location;
2. 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;
3. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category E - Sub divided, or converted);
4. 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.

Note:

The proposed application retains 8No. parking spaces for the proposed 13 bed HMO which is considered acceptable.

Location Plan



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END

Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/03993/FUL
At Parkview, 64 Peffermill Road, Edinburgh
Demolition of existing onsite derelict care home and
erection of 2no. residential flatted blocks, comprising 30
flats, along with associated road, parking court, pedestrian
paths, amenity space and soft landscaping (as amended).**

Item number	4.7
Report number	
Wards	B15 - Southside/Newington

Summary

The principle of housing on the site is acceptable; there are compelling reasons which justify a departure from the development plan in relation to Green Belt policy. The proposed mix, layout, scale, design and access arrangements are acceptable and appropriate in their context. The proposal will provide an appropriate level of amenity to existing and future occupiers and will make a positive contribution to the character of the area. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN10, LEN11, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LDES01, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LTRA02, SPTR03, LTRA04, NSG, NSGESS, NSGD02,

Report

Application for Planning Permission 18/03993/FUL At Parkview, 64 Peffermill Road, Edinburgh Demolition of existing onsite derelict care home and erection of 2no. residential flatted blocks, comprising 30 flats, along with associated road, parking court, pedestrian paths, amenity space and soft landscaping (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 extends to 0.3ha and is located on the south side of Peffermill Road. It comprises the site of a former care home which has been demolished recently. The former building was two storeys high with sloping, mono pitched roofs.

The site is located on a bend on Peffermill Road from which there is a direct vehicular access. There is a bus top directly opposite the site.

There is a low stone wall along the front boundary of the site. Other boundaries comprise red brick walls. There is some vegetation and tree planting along the north (front) and west boundaries.

Directly to the east is a single and two storey property which is in use as a nursing home. There are commercial/ industrial units beyond this further along Peffermill Road.

On the opposite side of Peffermill Road is two storey housing, with the Morgan Playing fields further long Peffermill Road to the east.

To the west are two and a half storey residential blocks; the vehicular access to these runs close to the application site boundary.

Directly to the rear of the site are Peffermill playing fields.

The wider area has a mixture of uses including houses, flats, recreational playing fields and commercial premises.

2.2 Site History

There is no planning history for this site.

Main report

3.1 Description Of The Proposal

The applicant seeks full planning permission for the following:

The demolition of the existing building, and the construction of two residential blocks, providing a total of 30 units. The units will be for 100% mid-market rent, comprising 21 one bedroomed flats and nine two bedroomed flats.

Both blocks will be three storeys in height and will have flat roofs. Proposed materials are dark buff facing brick to walls, with pre cast string course, alu-clad windows (recessed by 215mm) and vertical flat bar railings to windows.

Block one to the east of the site will comprise nine flats; three one bedroomed flats and six two bedroomed flats. Block two will comprise 18 one bedroomed flats and three two bedroomed flats. The majority of flats are dual facing.

Of the 21 one bedroomed flats, eighteen would have a floor area of 54 square metres, and three would have a floor area of 56.4 square metres. Of the nine two bedroomed properties, six would have a floor area of 73.8 square metres, and three would have a floor area of 76.2 square metres.

Associated parking, road and landscaping will be provided as part of the development. A new access in a similar position to the existing access will be provided directly off Peffermill Road.

A total of 11 car parking spaces are proposed in a car parking area to the rear of the site. Of these, two will be disabled parking bays. Two motorcycle parking spaces are proposed. Blocks one and two will have a enclosed brick external bike stores to the rear to provide a total of 26 Sheffield type racks to accommodate 52 bikes.

Bin collection points are located along the west elevation of block one, the east facing wall of block two and next to the western site boundary adjacent to block two.

Communal open space would be provided, giving a total of 724 square metres. The main area of amenity space would be provided to the rear of block one; this would have a total area of 571 square metres.

The wall along the frontage of the site adjacent to Peffermill Road will be retained, and a new vehicular access provided, with three new pedestrian openings. The existing boundary walls to the south, east and west boundaries will be retained.

Previous scheme

The first scheme had limited space for motorcycle parking and a pedestrian step access to the front of block two. The revised scheme accommodates the motorcycle parking and provides a ramp for access to block two.

Supporting Statements

The following documents have been provided in support of the application:

- Design and Access Statement;
- S1 Sustainability Statement form;
- Drainage Strategy and Flood Risk Assessment; and
- Transport Assessment.

Copies of these documents are available to view on Planning and Building Standards On-line 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 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 proposed scale, design and materials are acceptable;
- c) the proposal is detrimental to the amenity of neighbours and the proposal provides sufficient amenity for the occupiers of the development;
- d) representations raise issues to be addressed;
- e) the proposal affects road safety;
- f) the proposal has impacts on infrastructure;
- g) the proposal meets sustainability criteria; and
- h) the proposal has any equalities or human rights impacts.

a) Principle of development

The site is located within the Edinburgh Green Belt in the Edinburgh Local Development Plan (LDP). Policy Env 10 (Development in the Green Belt and Countryside) states that development will only be permitted where it meets one of the listed criteria and would not detract from landscape quality and/or rural character of the area.

The proposed development would not comply with LDP Policy Env 10 as it would result in new residential development within the Green Belt. However, there are material considerations which would allow a departure from this policy, including the history and previous use of the site. The site was previously developed with a large residential care home, and is part of the built up frontage in various uses along this section of Peffermill Road. The aim of policy Env 10 is to only allow development in the Green Belt where it would not detract from the landscape quality and/or rural character of the area. As this site is located within an existing built up frontage, redeveloping it with an alternative residential use would not detract from the landscape quality or character of the area. There are compelling reasons to allow a departure from policy Env 10 in this instance.

Policy Hou 1 (Housing Development) gives priority to the delivery of housing land supply on sites in the urban area, provided proposals are compatible with other policies of the plan. The proposal would be a suitable site for housing development in principle and would not undermine green belt objectives.

The principle of development is acceptable.

The application is for thirty residential homes and an affordable housing provision requirement of 25% (7) homes is required. The applicant is 21st Century Homes, which is the City of Edinburgh Council affordable housing developer and up to thirty affordable homes for rent will be delivered exceeding the affordable housing requirement. The homes will be built to the Housing for Varying Needs Standards. Notwithstanding this, it is appropriate to ensure that affordable housing is provided in accordance with the Council's policy and guidance. As such, a Memorandum of Understanding is recommended which would ensure that suitable housing is delivered.

The application was submitted prior to the Guidance on Heat Mapping being approved. This Guidance has therefore not been applied to this application.

b) Scale, Design and Materials

Policy Des 1 of the Local Development Plan states that development will be supported where it is demonstrated that it can contribute towards a sense of place. LDP policy Des 4 supports development that will have a positive impact on its surroundings having regard to height, form, scale, materials and positioning.

The positioning and fit of flatted blocks on the site forms a simple and legible layout which connects well particularly with the existing residential block to the west. The proposed layout provides a stronger street frontage than the previous (now demolished) building.

The area of open space provides a central focus to the scheme, with landscape character and amenity space for the residents. A condition requiring full details and implementation of landscaping is proposed.

In terms of height, the development provides three storey flats which will sit within the context of the two and a half storey residential development to the west. The eaves height of the proposal will match the dormer height of this neighbouring block; the development will be 1.4 metres higher than the eaves line in comparison. The area around the site is a mix of one, two and three storey properties; the proposed development in terms of its height would not be out of place within this context.

There are various forms and design of buildings in the vicinity of the site. The design of both blocks is simple and contemporary, and contribute to the character of the area in a positive way. The dark buff toned multi brick would be an appropriate material for this location, and the recessed windows in dark grey aluminium would be acceptable. Full details would be required by condition.

In terms of design, layout and scale the proposal is acceptable.

c) Amenity

Policy Des 5 (Amenity) relates to the amenity of existing and future occupiers of development. It seeks to ensure that amenity is not adversely affected by new development. There are residential neighbours directly on the opposite side of Peffermill Road, and directly to the west. To the east is a care-home.

In terms of privacy, new development is generally located a minimum of 20m from existing residential properties; this provides an acceptable level of privacy between new and existing dwellings. The proposed development would be sufficiently separated from the property on the opposite of Peffermill Road so as not to cause adverse loss of privacy, overshadowing or loss of sunlight to existing property opposite.

Block one would have windows within 9 metres of the east boundary facing 68-70 Peffermill road (care home). Windows range from between 6-8.2 metres to the site boundary. These would overlook an area of communal ground/ landscaped area. There is a distance of at least 20 metres between the windows in this existing neighbouring property and the proposed new development. Windows in the rear elevation of block 1 (south) would face the playing fields. The development of block one would not result in an unacceptable level of privacy for the existing neighbouring property.

Block two will be approximately six metres from the western site boundary. Some of these windows in the front of this block will lie within the gable of the neighbouring property at 54 to 58 Peffermill Road where a relaxation of the privacy guidance would apply. Other windows in block 2 will overlook the access road and communal gardens to the neighbouring property to the southwest. This would not result in any adverse loss of privacy to the neighbouring property to the west. There would be no loss of privacy from windows facing the playing fields to the south.

In terms of privacy between the two proposed blocks, there would be a distance of approximately 11.5 metres between blocks 1 and 2 within the site. The majority of these are within the gable zones of the two blocks and a relaxation of the privacy distance can be applied; others would look over communal space fronting Peffermill Road.

Other windows within the development would not result in loss of amenity to future occupiers of the development.

In terms of privacy the proposal is acceptable.

The main communal green space comprises 19% of the total site area. The provision of open space on the site is of good amenity value and would achieve good sunlight for a large part of the day. The amount of greenspace proposed broadly meets the requirements of policy Hou 3 (Green space in New Developments) which requires a minimum of 20% of the total site area to be useable greenspace. Some ground floor flats have access to private gardens; occupiers would also have access to the playing fields on the opposite side of Peffermill Road. In terms of green space provision, the proposal is acceptable.

Daylight analysis to existing buildings has been carried out using the 25 degree method. This has identified that there are no adverse impacts on existing properties and daylighting to existing neighbouring property is acceptable.

A sunlight study has been submitted by the applicant which assesses available sunlight. This indicates that the majority of sunlight loss both to the rear of block two and within the gable areas of both neighbouring sites will occur later on in the day around 4pm, the remainder of the day achieving an adequate level of sunlight. An acceptable level of sunlight will be achieved. Most units have dual aspect living areas to enhance the amount of light entering the properties. Where this is not possible on corners, living space is located to allow a good amount of sunlight to the property.

In terms of accommodation provided, all the flats exceed the minimum space standard for accommodation set out within the Edinburgh Urban Design Guidance and are acceptable. Some ground floor flats provide an opportunity conversion to accommodation for wheelchair or other disabled users.

The Edinburgh Urban Design Guidance requires new development over 12 units to provide at least 20% of the units to have a floor area of at least 91 square metres designed for growing families. The development would not include units of three bedrooms or more. The applicant advises that there is a large proportion of detached family houses in the Prestonfield/Peffermill area, and that new developments to include a large number of family social housing are being built close by in Craigmillar. They consider that the central location and good transport links for the Parkview site means it is ideally situated to serve key workers that the tenure is aimed at, and that from previous experience the housing mix proposed at Parkview is the most sought after in the Mid-Market Tenure. Given the above, the proposed development would provide appropriate housing units for this area of the city.

Waste Services has confirmed its agreement to the proposed waster strategy for the development.

The proposed residential development is compatible with the surrounding area and will afford an acceptable level of amenity to both existing and future residents.

d) Letters of Representation

Material Representations – Objection:

- Traffic impact – assessed in 3.3(e) and found Transport had no objections to the proposal. The level of traffic generated will not result in an adverse increase in traffic impact.
- Insufficient parking – assessed in 3.3(e) and found that the level of parking provided is acceptable.

Grange/ Prestonfield Community Council-

The Community Council support the proposal in general but object to the level of parking proposed, the increase in vehicle trips which would be generated, safety concerns with bin collections and request improved infrastructure such as a new pedestrian crossing on Peffermill Road.

- Traffic impact – assessed in 3.3(e) and found that Transport had no objections to the proposal. The level of traffic generated will not result in an adverse increase in traffic impact.
- Insufficient parking – assessed in 3.3(e) and found that the level of parking provided is acceptable.
- Refuse collection/ road safety – assessed in 3.3(f) and found that Waste Services agree to the waste strategy for this proposal.
- Road safety - assessed in 3.3(e) and found that Transport had no objections to the proposal and there are no issues pertaining to road safety relating to this development.

e) Road Safety

A total of eleven parking spaces are proposed for the development. The Transport Assessment submitted with the application states that the previous building/use had a total of ten car parking spaces. It also states that trip generation will be reduced from the previous use by approximately 25 trips per day. In accordance with the current parking standards, the maximum number of car parking spaces for the proposed development is 30 (Zone 2). The standards require a minimum of 60 cycle parking spaces, two electric vehicle charging points and one motorcycle space.

Policy Tra 2 of the LDP allows for lower car parking provision to be considered for this site under parts c) and d) as the site is accessible to public transport stops and is well served by links to cycle/pedestrian routes. The proposal for 11 car parking spaces is acceptable for these reasons. There are existing off street parking spaces in the vicinity and an informative is recommended that the applicant consider provision of a city car club space.

The proposal provides storage for 52 cycles, which although just below the requirements in the standards for 60, is considered acceptable. The provision of two electric vehicle charging points and two motor cycle spaces accords with the standards.

The provision of a new pedestrian crossing in the vicinity of the site for a development of 30 units in this location is not justified or necessary.

In terms of road safety the proposal is acceptable.

f) Impact on Infrastructure

A Drainage Assessment and Flood Risk Assessment have been submitted with the application. These state that the site is not at risk from flooding from fluvial sources, and that there is a small area of medium risk of pluvial within the site. Flood Planning has advised that the site is adjacent to the flood storage reservoir which is designed to fill with water up to a depth of approximately one storey above existing ground level. Typically SEPA guidance is to raise floor levels above the 1:200 + CC flood level plus an allowance of 600mm freeboard on top of this. However, raising floor levels to this elevation would effectively mean that the site would have to be raised significantly/have severe access implications or that it would be effectively sterilised if this was not achievable. Flood Planning considers that as there is an existing Council built flood wall in place that defends the site then development should be allowed to proceed as identified in the application. SEPA raise no objection to the proposals.

Education

Residential development is required to contribute towards the cost of required education infrastructure to ensure that the cumulative impact of development can be mitigated. The site falls within the Sub-Area C-1 of the Castlebrae Education Contribution Zone. The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of 9 two bedroom flats is not expected to generate at least one additional pupil. The 21 one bedroomed flats will not generate pupils for the purposes of this calculation. A contribution towards education infrastructure is therefore not required.

Archaeology

The application site lies within an area of archaeological interest. However the site has been significantly impacted upon by the construction of the former care-home and it is considered unlikely that significant in situ remains will have survived. There are no known archaeological implications in relation to this application.

g) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposal will include low and zero carbon equipment as solar photovoltaic panels will be incorporated. The proposal complies with the requirements of Part A of the Edinburgh Standards for Sustainable Buildings. The requirements of the Edinburgh Design Guidance are met.

h) Equalities and Rights Issues

An Initial Integrated Impact Assessment (IIA) checklist has been completed for this application and has concluded that the development will not require any further assessment in this area. The living accommodation will provide housing for a range of users. The site is accessible for those with mobility issues. The proposal has good access to public transport, green space and local facilities. There are no identified equalities issues.

Conclusion

In conclusion, there are compelling reasons which justify a departure from the development plan in relation to Green Belt policy and the principle of housing on the site is acceptable. The proposed mix, layout, scale, design and access arrangements are acceptable and appropriate in their context. The proposal will provide an appropriate level of amenity to existing and future occupiers and will make a positive contribution to the character of the area. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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.
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.
3. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

5. Details of the proposed solar photovoltaic roof panels shall be submitted for consideration and approval prior to the first unit hereby approved being occupied.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. A Memorandum of Understanding is required to ensure a minimum of 25% affordable housing is provided.
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.
5. The applicant should consider provision of a car club vehicle in support of the Council's LTS Cars1 policy.
6. 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), 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.

7. The development shall be carried out in accordance with the measures identified in the approved Sustainability Statement Form. The applicant should submit a Self Declaration Form to the Head of Planning and Building Standards on completion and prior to occupation unless otherwise agreed.
8. Two parking spaces shall have 7kw (Type 2 sockets) charging point installed and fully operational prior to occupation.

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 considered 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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Two letters of objection were received in relation to this application. An assessment of these representations can be found in the main report in the Assessment section.

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	Edinburgh Local Development Plan
	The site is within the Edinburgh Green Belt. Directly to the south is an a Special Landscape Area, and an Area of Importance for Flood Management.
Date registered	25 July 2018
Drawing numbers/Scheme	1-2,3a,4-10,11a,12-16
	Scheme 2

David R. Leslie
 Chief Planning Officer
 PLACE
 The City of Edinburgh Council

Contact: Karen Robertson, Senior Planning Officer
 E-mail:karen.robertson@edinburgh.gov.uk Tel:0131 529 3990

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

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 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 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 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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.

Policy TRAN3 states that local plans should include car parking standards that relate the maximum permitted level to accessibility by public transport.

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'The Edinburgh Standards for Streets' sets out principles and guidance whose aim is to achieve a coherent and enhanced public realm.

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 18/03993/FUL At Parkview, 64 Peffermill Road, Edinburgh Demolition of existing onsite derelict care home and erection of 2no. residential flatted blocks, comprising 30 flats, along with associated road, parking court, pedestrian paths, amenity space and soft landscaping (as amended).

Consultations

Archaeology – response dated 1 August 2018

The application site lies within an area of archaeological interest. However the site has been significantly impacted upon by the construction former care-home and it is considered unlikely that significant insitu remains will have survived. Therefore it has been concluded that there are no known archaeological implications regarding this application.

Waste Services – response dated 30 July 2018

Waste and Cleansing Services takes no stance either for or against the proposed development but as a consultee would make the following comments:

Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a residential development. The application form refers to agreeing to CEC waste guidelines but not in detail.

I would assume from the files that this is an area of flatted properties. We would require to see this to ensure waste and recycling requirements have been fully considered.

It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc.

Adequate provision should also be made for the effective segregation of materials within the building not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location and I feel we would require to look at the bin storage areas for this development more closely.

In view of these factors the developer must contact Waste Services at the earliest point for advice relating to their options so that all aspects of the waste & recycling service are considered i.e. access for vehicles, health & safety, presentation points for kerbside bins and/or boxes and size of storage areas required in residential gardens for all bins & boxes etc. It would be beneficial to go through the site plans and swept path analysis/vehicle tracking to show how the vehicle will manoeuvre.

Affordable Housing – response dated 15 August 2018

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

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. This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.

This application is for 30 residential homes and an AHP requirement for 25% (7) homes are required. The applicant is 21st Century Homes, which is the City of Edinburgh Council affordable housing developer and up to 30 affordable homes for rent will be delivered exceeding the affordable housing requirement. The development will consist of flats, along with associated parking. The homes will be built to the Housing for Varying Needs Standards and the latest Design Guidance requirements.

Summary

The application satisfies and exceeds the AHP requirement. A Section 75 is not necessary as the Council will manage the homes.

The Department would be happy to assist with any queries around the affordable housing requirement for this development.

SEPA – response dated 16 August 2018

We have no objection to this planning application, due to the fact that the proposed re-development will result in a decrease in vulnerability of use at the site, which accords with our guidance note [Planning Information Note 4](#). Notwithstanding this, there may be a residual risk of fluvial flooding at the site and we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority. Please note the advice provided below.

Review of the SEPA Flood Map indicates that the site lies within the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at medium to high flood risk. Although the source of flood risk identified at the site is from surface water solely, it would appear that the fluvial extent takes account of the Braid Burn Flood Prevention Scheme (FPS) and therefore there may also be a residual fluvial flood risk at the site.

The Flood Risk Assessment (FRA) does not provide a full review of flood risk at the site. There is no mention of the FPS and any residual fluvial flood risk. The report also states that there is no historical information pertaining to flooding at the site. However, we hold a record to indicate that the Parkview care home was flooded in April 2000 requiring evacuation of the premises.

The development site lies behind the Braid Burn FPS. We are of the understanding that the FPS has a 200-year standard of protection however there is uncertainty around this and we have not reviewed the hydrology or been provided with as-built design for the scheme. We would also highlight that there is a residual risk with all FPS from exceedance and failure and flooding during such a scenario may be of higher velocities and depths. The pluvial flood maps indicate a medium to high risk of surface water flooding at the site which may be exacerbated by the FPS preventing surface water from draining to the Braid Burn.

Whilst we have no objection to this application as the proposals are for redevelopment which will result in a decrease in vulnerability of the site, we would strongly recommend that further assessment of flood risk at the site is undertaken. This should be used to inform the design of the site, including finished floor levels of the properties, and minimise any residual flood risk from fluvial and surface water flooding.

Surface water management is primarily a matter for the Local Authority to determine and they should satisfy themselves that there is no increase in flood risk to proposed or existing property as a result of development. It is noted within the report that the site is to be landscaped to attenuate surface water up to the 1 in 200-year event on site but not to impact properties by having falls away from buildings. Overland flow routes are to be designed to ensure any surface water flooding exceeding the 1 in 200-year event is directed off site. We would highlight that there should be no increase in flood risk to existing properties.

Caveats & Additional Information for Applicant

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit

<http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Please refer to [SEPA standing advice for planning authorities and developers on development management consultations](#) for other aspects of the development due to the fact that the consultation is below the threshold where we would provide bespoke advice for other aspects.

Regulatory advice for the applicant Regulatory requirements

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

Edinburgh Office Silvan House SEPA 3rd Floor 231 Corstorphine Road Edinburgh EH12 7AT

Grange/Prestonfield Community Council – response dated 18 August 2018

Introduction: These comments are submitted on behalf of Grange/Prestonfield Community Council. We support this proposal for 30 flats in two new blocks, consisting of 21 two person flats and 9 one person, in the mid-market rented sector. The developer is 21st Century Homes, a housing arm of CEC and we think this scheme will be a welcome addition to the housing stock in this locality, on the site of the now closed Parkview care home. We note that 11 car parking spaces are to be provided on site including 2 disabled spaces, which we think is broadly consistent with the recent change in CEC parking guidance and the availability of public transport.

However there are two aspects of this application which cause us concern as set out in the following paragraphs.

GPPC Comments:

Transport Assessment: We question the assumption that there will be a net reduction in vehicle trips generated per day compared with when the care home was in operation. It then accommodated up to 42 residents in 6 flats, mostly elderly and some infirm. There may be actual data on daily traffic when the care home was in use to compare with the assumptions in the Traffic Assessment. There is no comparison stated with the current situation of zero trips in and out as the home is closed. The assumption of 53 trips per day when the new development is occupied represents a significant increase in traffic emerging onto Peffermill Road and turning from it, compared with the current situation of zero trips.

The Transport Assessment makes much of the convenience of the eastbound bus stop from the city for residents of the new flats, but to use it they will have to cross this busy road and in the future there could be more children trying to cross the road. This is a situation which the previous use of the site as a care home did not really have to take into account when walking and cycle access did not need to be facilitated. Furthermore the entrance to the popular Morgan Playing Fields is nearby on the north side of the road which residents of the flats should be able to access safely and easily.

We agree with the Transport Assessment that there are good cycle and pedestrian routes nearby but getting to them can be very difficult. This stretch of Peffermill Road is 30mph and from observation a lot of westbound traffic does not observe this limit. We hope that this development will generate increased pedestrian and cycle traffic and disagree with the Transport Assessment that "there is no requirement for any additional infrastructure". A CEC development should surely be an exemplar of safe sustainable travel and in this respect we think this scheme falls well short. We suggest that there should be as a minimum an island refuge or preferably a light controlled pedestrian crossing very close to this development which would also aid existing nearby residents.

Refuse Strategy: We have no comments on the number or location of bin stores for waste and recycling except in so far as they relate to the following comments about the arrangements for collection. The residents of 30 flats will generate a lot of refuse and recycling material. It is intended that collection vehicles will stop on Peffermill Road in 3 roadside places to which the bins will be wheeled and collection vehicles will not enter the site. This will add to the hazards for people trying to cross the road and could be potentially dangerous as westbound vehicles on Peffermill Road will suddenly come onto a stationary truck and its operatives from a bend in the road. We urge that the refuse collection arrangements be reviewed

Summary: While we support this scheme in principle, we also strongly urge that the Transport Assessment and Refuse Strategy be reconsidered and therefore object to these aspects of the proposals as submitted.

Flood Planning – response dated 12 September 2018

This site is adjacent to the flood storage reservoir which is designed to fill with water up to a depth of approximately one storey above existing ground level. Typically SEPA guidance is to raise floor levels above the 1:200 + CC flood level plus an allowance of 600mm freeboard on top of this. I would note that the Braid Burn FPS has a climate change allowance of 12% and that the current CEC requirements are 30% climate change allowance.

Raising floor levels to this elevation would effectively mean that the site would have to be raised significantly/have severe access implications or that it would be effectively sterilised if this was not achievable.

In this instance Flood Prevention are of the view that as there is an existing Council build flood wall in place that defends the site then development should be allowed to proceed as identified in the application. This is however ultimately the decision of Planning.

SEPA have not objected and therefore we will not encounter the same issues that we have of objections in principle for sites along the Water of Leith.

Police Scotland – response dated 10 October 2018

I write on behalf of Police Scotland regarding the above planning application.

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.

Transport – response dated 7 November 2018

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

1. The proposed access on Peffermill Road to Close 2 is by steps. Whilst the proposed level access from the rear of the building may meet the requirements of building standards, it does not necessarily meet the additional requirements of the Equality Act 2010. The applicant should consider whether reasonable provision for wheel chairs etc. can be made, i.e. provide a suitable ramped access;
2. The applicant will be required to provide 2 electric vehicle charging outlets including dedicated parking spaces;
3. The proposed 2 motorcycle parking spaces are considered acceptable. However, the proposed layout of these spaces is not considered sufficient to enable users to safely enter and exit the spaces. The applicant should be required to amend the layout to ensure safe entry and exit;
4. The applicant should consider provision of a car club vehicle in support of the Council's LTS Cars1 policy. A contribution of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
5. 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), 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;
6. 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;

Notes:

No reasoned justification has been provided for the proposed car parking provision, as required in the Council's parking standards. However, the proposed 11 spaces, including 2 disabled, are considered to be acceptable.

The proposed 52 cycle parking spaces are considered acceptable.

Education – response dated 12 November 2018

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

21 of the 30 flats proposed only have one bedroom and have therefore been excluded from this assessment. Using the pupil generation rates set out in the Supplementary Guidance, the development of 9 two bedroom flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Environmental Protection – response dated 19 November 2018

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/s. 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).

The applicant proposes 11 car parking space. The Edinburgh Design Standards will require that at least 2 of these spaces have electric vehicle charging points installed. The charging outlets shall be capable of providing a 7kw charge via a type two socket.

Environmental Protection offer no objection subject to the following conditions;

1. 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.

2. Two parking spaces shall have 7kw (Type 2 sockets) charging point installed and fully operational prior to occupation.

Environmental Protection additional - response dated 21 November 2018

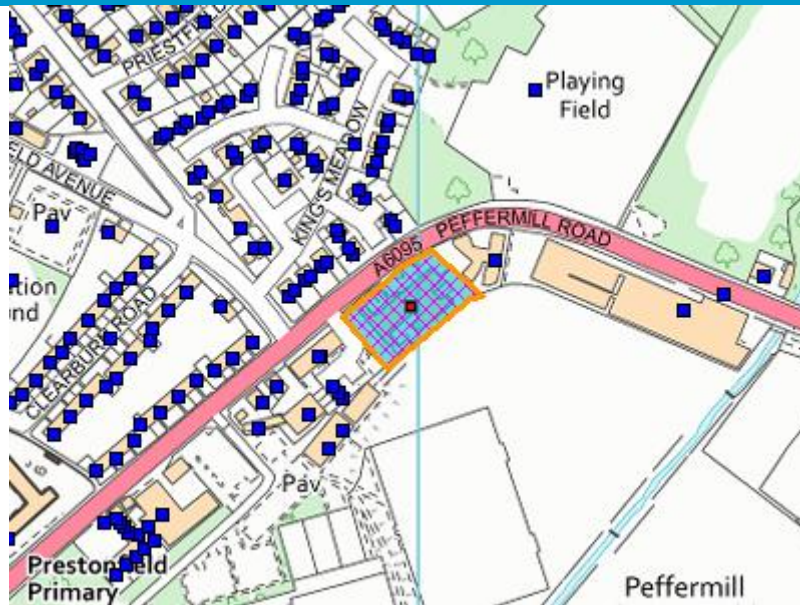
I refer to the *Report on Site Investigation at Parkview Housing, 64 Peffermill Road, Edinburgh* dated March 2018 that was produced for Will Rudd Davidson by Aitken Laboratories Ltd under reference number; L517 and supplied in support of the subject proposal.

The report is not considered to provide a sufficiently comprehensive risk assessment in accordance with current guidance such as PAN 33 and BS: 10175:2011: Investigation of Potentially Contaminated Sites to enable the Local Authority to determine the land to be suitable for proposed use. Therefore, a standard planning condition to address land contamination should be attached to any prospective planning approval.

The following comments raise the major issues of concern that should warrant detailed attention before Environmental Protection would consider the risk assessment presented within the Report on Site Investigation in the context of a planning condition in any further detail. It should be noted that these comments are preliminary and based upon the information supplied or is absent from the Report on Ground Investigation:

- 1) There is no preliminary risk assessment and conceptual model available based upon an appropriately detailed preliminary site investigation (desk study) in line with BS10175:2011.
- 2) Consequently, there is no basis or rationale for the site investigation. There is no information available to enable understanding of the site investigation design, sampling and analytical strategy and data coverage. The investigation coverage has not been quantified in any level of detail and it is not possible to determine whether the investigation is appropriately targeted toward identification of historical potential sources of contamination and any associated pollutant linkages in line with BS10175:2011.
- 3) The Site investigation appears to have been undertaken pre-demolition/pre-hardstanding clearance. The potential data gaps and uncertainty inherent within the data coverage and risk assessments caused by accessibility constraints to ground surface beneath hardstanding should be evaluated and addressed by subsequent data collection where information gaps will undermine the level of confidence that can be gauged in the risk assessments presented. The preliminary investigation should identify areas of the site that should be further targeted by investigation points further to removal of hardstanding to address information gaps.
- 4) The full extent of gas/groundwater monitoring data should be supplied according to a defensible frequency/duration of monitoring based upon applicable guidance. The report mentions further gas monitoring will be undertaken There is currently no groundwater sampling/analysis to support the current interpretation of risk to the water environment.

Location Plan



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END

Development Management Sub Committee

Wednesday 5 December 2018

Application for Advert Consent 18/03714/ADV At Land At 462 Westfield Road, Westfield Road, Edinburgh Proposed installation of bus shelter to include advertising panels

Item number	4.8
Report number	
Wards	B07 - Sighthill/Gorgie

Summary

The proposal accords with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and the Council's guidance on Advertisements, Sponsorship and City Dressing and Guidance for Businesses. It will have an acceptable impact on the amenity of the location. There are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#) NSBUS, NSADSP,

Report

Application for Advert Consent 18/03714/ADV At Land At 462 Westfield Road, Westfield Road, Edinburgh Proposed installation of bus shelter to include advertising panels

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 an existing bus shelter located on the south side of Westfield Road. Immediately to the rear of the bus shelter is an industrial building and open space with large billboards lie directly across from the site.

2.2 Site History

There is no relevant site history.

Main report

3.1 Description Of The Proposal

This application relates to advertisement consent only. A new bus shelter is being proposed at this location and is being installed under the Council's permitted development rights.

The advertising panel will be double sided and situated on the trailing end of the bus shelter. The advert will comprise an illuminated 6 sheet display that show a series of commercial messages and are manually changed every two weeks.

The panel will be designed to fit the shelter but will not be reliant upon it for support. The panel structure will measure approximately 2.1 metres high, 1.33 metres wide and 0.25 metres deep. The display screen areas will be approximately 1.9 square metres and the panel will be constructed from aluminium with a matt grey finish.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

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

- a) the proposal has an acceptable impact on amenity;
- b) the proposal would compromise public safety;
- c) the proposal would have any equalities or human rights impacts; and
- d) public comments have been addressed.

a) Amenity

Council guidance states that advertising on bus shelters will not be permitted in visually sensitive locations. Visually sensitive locations include parts of the Edinburgh World Heritage Site where the streets are of primary historic importance (e.g. Royal Mile or George Street) or where advertising would disturb important views or the setting of individual listed buildings. Sensitive locations can also include residential neighbourhoods.

The site is not within the World Heritage Site, a conservation area or near to any listed buildings. The adjacent commercial unit and petrol station has a commercial outlook and a number of existing signs in place. The proposed advertisement is compatible with this backdrop.

The site is within a commercial area. The existing bus stop contains an area for advertisements although none are displayed at present. The proposed panel forms an integral part of the shelter design, with the structure providing a level of visual containment to the displays. The introduction of illuminated adverts in this location will not have an adverse impact on the amenity of the area.

The advert will not be detrimental to the amenity of the wider area or the proposed adjacent residential development.

b) Public Safety

The Roads Authority has advised that it has no objections to the proposed display with regard to public safety.

c) Equalities and Human Rights

This application has no impact in terms of equalities and human rights.

d) Public Comments

No comments received.

Conclusion

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal raises no amenity or public safety concerns and accords with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Consent is granted for a period of five years from the date of consent.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Informatives

It should be noted that:

1. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting, or disconnect and disable a sign, or take any other steps required to ensure that any display on a sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action.

ADVERTISING SIGNS

Note:

1. The proposal is for a new bus stop shelter at an existing site but with a LED backlit (double-sided) poster advertising panel to one end. Background information documentation indicates that the shelter is to replace an existing installation. However, there are no notes to this effect on the submitted drawings;
2. Whilst not strictly large format advertising, for consistency this application has been assessed against standard criteria in terms of the risk assessment of roadside advertising. This location has been assessed as low risk.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council has a contract with the applicant to provide outdoor advertising and street furniture, primarily bus shelters, in the city. The financial impacts to the Council were reported to Finance and Resources Committee on 5 June 2014.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

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	Edinburgh Local Development Plan - Urban Area.
Date registered	12 July 2018
Drawing numbers/Scheme	01-05, Scheme 1

David R. Leslie
 Chief Planning Officer
 PLACE
 The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer
 E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

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.

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Appendix 1

Application for Advert Consent 18/03714/ADV At Land At 462 Westfield Road, Westfield Road, Edinburgh Proposed installation of bus shelter to include advertising panels

Consultations

Roads Authority

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

1. *The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting, or disconnect and disable a sign, or take any other steps required to ensure that any display on a sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action.*

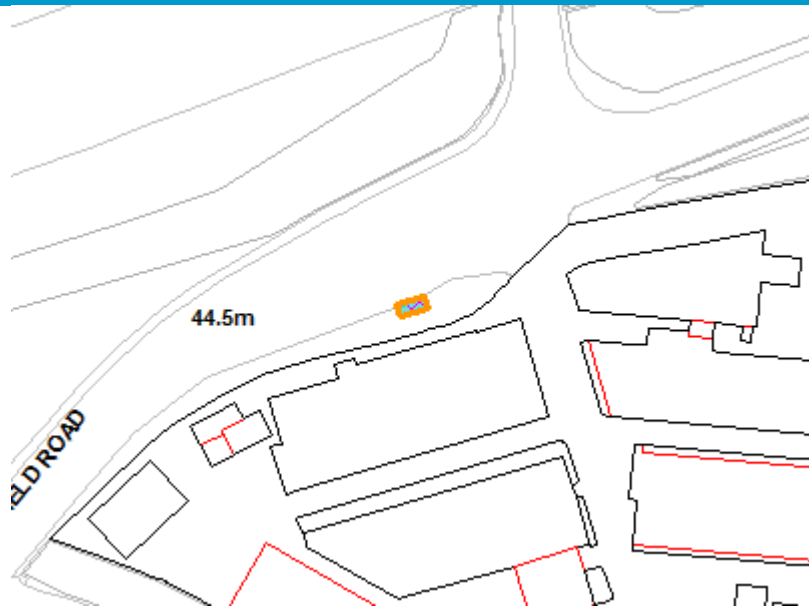
ADVERTISING SIGNS

Note:

1. *The proposal is a for a new bus stop shelter at an existing site but with a LED backlit (double-sided) poster advertising panel to one end. Background information documentation indicates that the shelter is to replace and existing installation. However, there are no notes to this effect on the submitted drawings;*

2. *Whilst not strictly large format advertising, for consistency this application has been assessed against standard criteria in terms of the risk assessment of roadside advertising. This location has been assessed as low risk.*

Location Plan



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END

Development Management Sub Committee

Report returning to Committee - Wednesday 5 December 2018

Application for Planning Permission 08/01689/FUL At 56 Causewayside, Edinburgh, EH9 1PY Redevelopment comprising a ground floor and first floor licensed restaurant, 4 student flats and 1 private penthouse flat

Item number	5.1
Report number	
Wards	B15 - Southside/Newington

Recommendations

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

Background information

This application was granted by the Development Management Sub-Committee on 5 November 2008 subject to a legal agreement requiring a financial contribution to the City Car Club. Despite reminders, this legal agreement was never concluded and so planning permission has never been issued and the application is still 'live'. In the meantime, there have been new material planning considerations which means that the application needs to be re-assessed. The duty to consider all material considerations continues until the time a grant or refusal is made, whether or not the resolution to grant is subject to a legal agreement.

Main report

Description of Development

It is proposed to demolish the buildings on site and erect a six-storey development. The building envelope would be the full width of the site and would be the full depth at ground and first floor. The upper floors would be a similar depth to the adjacent property to the south. The ground floor and part of the first floor would be a restaurant; the remainder of the first floor up to the fourth floor would be student flats. The fifth floor would be a private flat.

The architecture is modestly modern and the materials comprise natural stone to the front and render to the back and sides. Windows will be aluminium. The penthouse flat will be formed as a lightweight addition in aluminium with render surrounds.

New material considerations

The new material considerations in this case are the Edinburgh Local Development Plan and the updated Edinburgh Design Guidance. The application has been re-assessed in relation to these new material considerations and requires a new decision by the Development Management Sub-Committee.

The application now falls to be assessed under policies of the Local Development Plan.

(a) Principle of Development

The mix of student housing, commercial use and residential use is acceptable within this mixed use urban area. Policy Hou 8 of the LDP supports student housing where its location is accessible to university and college facilities and will not result in an excessive concentration of student accommodation. Whilst there is a high degree of student accommodation in this area, it is close to Edinburgh University. The actual student accommodation consists of four flats, one on each floor, rather than individual bedrooms, so the proposals will not create an intensification of student use in this area.

Policy Hou 1 supports the residential element provided other policies of the Plan are complied with. New food and drink establishments are supported in mixed use areas.

The principle of the development remains acceptable.

(b) Design, form and materials

The new building remains compatible with surrounding buildings. The removal of the existing building and replacement with the proposed building would be an improvement to the site and to the streetscene. The addition of the restaurant at street level would add vitality to this inner-city location.

Policies Des1 and Des4 of the LDP and the principle of the Edinburgh Design Guidance are complied with.

(c) Character and appearance of the conservation area

The new building is of a design which is compatible with the character of the conservation area and will have no adverse impacts on appearance. It complies with policy Env 6.

(d) Road safety and parking

The proposals comply with parking standards and so there is no longer a requirement for a City Car Club contribution. There is no cycle parking shown on the drawings and no prospect of it being within the site's grounds (there is no garden ground). The ground floor will contain the commercial unit and the upper floors will be accessed from a separate entrance and up an internal staircase, which also contains a lift. Bikes could be carried up the stairs or potentially in the lift to be stored in the individual flats. This minor infringement of policy Tra3 is not considered grounds for refusal.

(e) Residential amenity

The proposals remain acceptable in terms of policy Des 5.

(f) Revised Conditions and Informatives

The conditions and informatives have been updated to conform with current practice. Deliveries to the restaurant will be controlled by condition but other noise conditions have been changed to informatives as they are outwith the control of the planning authority and can generally be controlled through building regulations and environmental standards. The proposed condition and informatives are as follows:

Condition:

1. Deliveries and collections to/from the restaurant to be restricted to 0700-2000 hours Monday to Saturday.

Reason for Condition:

1. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment. This relates to the restaurant use only.
5. The kitchen in the restaurant shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

6. The design, installation and operation of the lift shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

Conclusion

The proposed mixed use development generally complies with the Local Development Plan and non-statutory guidance. As it complies with parking standards, there is no longer a requirement for a legal agreement for a financial payment to City Car Club.

Links

Policies and guidance for this application

LDPP, LDES01, LDES04, LEN06, LRET11, LTRA02, LTRA03, LHOU08, NSG, NSGD02, CRPSSI,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=K0SQC9EWR0000>

Or Council Papers online

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/03695/FUL
At 20 Charlotte Square, Edinburgh,
Alteration and extension to offices, removal of non-original
dormers to front elevation (as amended).**

Item number	7.1(a)
Report number	
Wards	B11 - City Centre

Summary

The proposals comply with the Edinburgh Local Development Plan and the non-statutory guidance stated and will not adversely impact on the setting of the listed building, on the character and appearance of the conservation area, on amenity or upon highway safety. There are no other material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LEN03, LEN04, LEN06, LDES04, LDES05, LDES12, NSGD02, NSLBCA, LTRA02,
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Report

Application for Planning Permission 18/03695/FUL At 20 Charlotte Square, Edinburgh, Alteration and extension to offices, removal of non-original dormers to front elevation (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 constitutes four town houses, currently vacant and formerly in office use, on the west side of the street fronting Charlotte Square, plus a rear courtyard and car parking area accessed off Randolph Place Lane. The site forms part of the original First New Town Plan 1766. The buildings were designed by Robert Adam in 1791 and were listed category A on 3 March 1966 ref: LB28504. They were built largely between 1803 and 1807 with later 20th century attics.

There are residential apartments and offices to the south and offices to the north. To the west across the courtyard car park is a modern block of offices known as Randolph House, accessed off Randolph Lane.

The development is within the Edinburgh World Heritage Site - First New Town.

This application site is located within the New Town Conservation Area.

2.2 Site History

The pre-1990 history of the four townhouses can be seen in the applicant's Design Statement. The post 1990 history is as follows:

27 August 1991 - No.19-20: Listed building granted for alterations. (Planning reference 91/1437/LBC).

22 May 1992 -No.19-20: - Listed building consent granted in retrospect for internal alterations (as amended). (Planning reference 91/2524/LBC).

Main report

3.1 Description Of The Proposal

The proposals, as amended, are to refurbish the buildings for office use and construct a glass box in the rear courtyard to provide an auditorium, a raised courtyard garden with extra office space below it, and a rectangular pavilion/function room with green roof which will complement the office space. Two parking spaces will be lost as a result but bicycle storage provision will be increased.

The auditorium - 10m x 6m (60m²) will replace the existing pyramidal glazed extension to the rear of No.23 at lower ground level and will span over two levels with a glazed atria link access from the townhouses being at lower ground and ground floor levels. On the south boundary, a louvred metal fence will be installed in the gap between the auditorium and the office block to the west (Randolph House). It will have a sandstone base.

The pavilion to the rear of No.20-21 will measure 18m x 6m (108m²), have a green sedum roof and a green wall on the west side. The large elements of glazing and mirrored rainscreen cladding allow tenants to have a stronger connection with the green amenity space whilst protecting privacy.

The courtyard ground surface will be light sandstone paving.

The vertical outshoots at the back of the buildings will be extended laterally in rubble stone to allow for tea prep areas and toilets for each floor. A lift will be installed in the small rear room of each townhouse in the former toilet and secondary areas.

The dormers on the front elevations will be removed and the roof re-instated with conservation style rooflights. To the rear, the mix of dormers will be removed and a linear, slated mansard fillet with two tripartite mansard windows installed per feu, will be built between each boundary skewput to house the lift lobbies and toilets.

The windows are to be replaced with slimline double glazed astragaled units.

Scheme 1

Originally, the front first floor windows were to have their cills raised back to above the band course to match the others in the terrace.

The proposed raised front window cills are deleted. Demolition of the wall between the front vestibule of Nos.20-21 are deleted. Opening up of the 1st floor dummy window has been omitted. There has been a reduction in the wall slapping width between Nos.20 and 21 at first floor, with retention of nibs to each side of each opening.

Supporting Document

A Design Statement has been submitted by the applicant which is available to view on the Planning and Building Standards on-line 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 consent.

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 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 design of the external alterations have an adverse impact on the character of the listed building or the character and appearance of the conservation area;
- b) there are any amenity issues;
- c) there are any transport issues;
- d) the representations have been addressed; and
- e) there are any equality or human rights issues.

a) Impact on Listed Building and Conservation Area

Development within the conservation area is considered against policy Env 6 of the LDP and seeks to ensure that development preserves and enhances the area. In addition policy Des 1 requires proposals to contribute towards a sense of place and draw on an overall design concept.

The New Town Conservation Area Character Appraisal states “*The grid hierarchy of grand streets, lesser streets, lanes and mews throughout the conservation area*” form part of the essential spatial character; and in terms of building forms “*The consistent massing of buildings retaining the original building proportions.*” As regards architectural character, the following forms part of the essential character: “*Original design forms...and the standard palette of materials including blonde ashlar sandstone, timber windows and pitched slated roofs.*”

The new auditorium to the rear of No. 23 replaces an existing glazed pyramidal roofed room and this will be a similar sized structure. This extension will provide a mix of traditional stone and glazing. The areas of glazing will provide a visual separation between the rear of the townhouse and the new build.

The new pavilion will be clad in buff ashlar sandstone, mirror glazed curtain walling and a living wall system on the rear (west) elevation. The materials are of a quality finish and appropriate to the enclosed courtyard context at the rear of the building. Despite a mainly glazed appearance, it will have a sandstone base which will ground it visually in relation to the listed buildings. The proposed pavilion will be set within the enclosed courtyard and will have no adverse impact on the character or appearance of the conservation area. The modern intervention will make a positive contribution to this space.

Outshots

The outshots are later, but early additions to the back of the buildings. Increasing these laterally and sympathetically in rubble stone will not detrimentally impact on the character of the buildings. They will be seen as typical rear bay/ tower elements which traditionally house the likes of servants’ sculleries and toilets. The top part of the extension will be seen in restricted views from Randolph Plane and Melville Street, but otherwise will be obscured from view within the conservation area.

Roof Alterations

The rear elevation has traditionally been less of a public elevation and has had tower elements and dormers added to the roof over time. On the adjacent part of the terrace to the north, mansard fillets have been added. The replacement of the dormers on the rear roof with similar mansard fillets achieves the toilet and lift lobby spaces required. It is the most effective way of encapsulating the required spaces without building several awkward looking individual dormers in close proximity to each other.

The proposals represent a significant alteration to the fabric of the rear roof but one which complements its character and reflects changes made to the roof of the north range of townhouses. The mansard will be seen in limited views and will otherwise match the massing and appearance of the rear of this terrace. By providing the facilities within the rear outshots and the roof alteration this allows the listed building to be retained internally as considered within the concurrent listed building application. The removal of the dormers of the front elevation and replacement with conservation rooflights restores the profile of the important historic roof with the conservation area.

Windows

Due to potential presence of original glass, a condition is recommended that requires a full window survey to be carried out before any slimline double glazing is fitted to ensure any historically important fabric is retained.

The external proposals, in terms of design and materials are acceptable and will not adversely impact on the setting of the listed building or upon the character and appearance of the conservation area in accordance with the Local Development Plan.

b) Amenity

Policy Des 5 of the LDP refers to amenity. The widened outshoots will be no nearer to the offices across the rear courtyard than existing. In terms of overshadowing, the courtyard pavilion is positioned centrally to allow sufficient daylight to all surrounding windows.

The proposed lifts are positioned centrally to each building and away from any mutual wall. It is not considered that there will be any issues from the installation of lifts within the premises.

The proposals comply with Policy Des 5 of the LDP.

c) Transport

Policy Tra 2 requires development to have sufficient parking to meet the demands of the relevant building use. In this case, the 19 space car parking courtyard to the rear, shared with the other offices at the back of the site, is to be reduced to 17 spaces. The reduction in the number of existing spaces is welcomed.

As part of the reconfiguration of the car parking area, a new cycle parking area is proposed within this space. The location of this cycle parking is acceptable. Any visitor cycle parking to the front of the building would be difficult to secure due to the historic nature of the site. Cycle parking is available within the wider area.

The proposals result in an extra 255 sq m gross floor area of offices added to the existing 1413 sq m of the townhouses. The site is in within zone 1 of the tram line, therefore a tram contribution of £17,000 will be required and secured through an appropriate legal agreement.

d) Public Comments

Material Comments

- Support the scheme but have concerns about the noise and vibration of the proposed lift in number 23 – this is addressed in 3.3b) above.

Non-Material

- Impact of works on adjacent renovations.

e) Equalities and Human Rights

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

Conclusion

The proposed remodelling of the buildings to retain the use as modern offices will enhance the listed buildings. The extensions are well placed and will be built in quality materials to complement the location.

The proposals comply with the Edinburgh Local Development Plan and the non-statutory guidance and will have a positive impact on the setting of the listed building, on the character and appearance of the conservation area.

There are no other material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Details of a window survey plus slimline double glazing cross-sections/ elevations at not less than 1:20 scale shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. 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.
3. Details of the landscaping specification of the sedum roofs and green wall of the raised courtyard and pavilion shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to safeguard the character of the conservation area.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to safeguard the character of the conservation area.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to tram contributions.

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.

A tram contribution of £17,000 is required.

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:

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 July 2018. Two letters have been received, one supporting and one commenting.

The above comments are addressed in the Assessment to this report at paragraph 3.3d).

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 allocated as City Centre in the Edinburgh Local Development Plan (LDP) where mixed uses are acceptable subject to complying with other policies in the LDP.

Date registered

12 July 2018

Drawing numbers/Scheme

01 - 08; 09A-10A; 11- 15; 16A; 17-23,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

Links - Policies

Relevant Policies:

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

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 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

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.

Appendix 1

Application for Planning Permission 18/03695/FUL At 20 Charlotte Square, Edinburgh, Alteration and extension to offices, removal of non-original dormers to front elevation (as amended).

Consultations

Historic Environment Scotland

Planning revised comments:

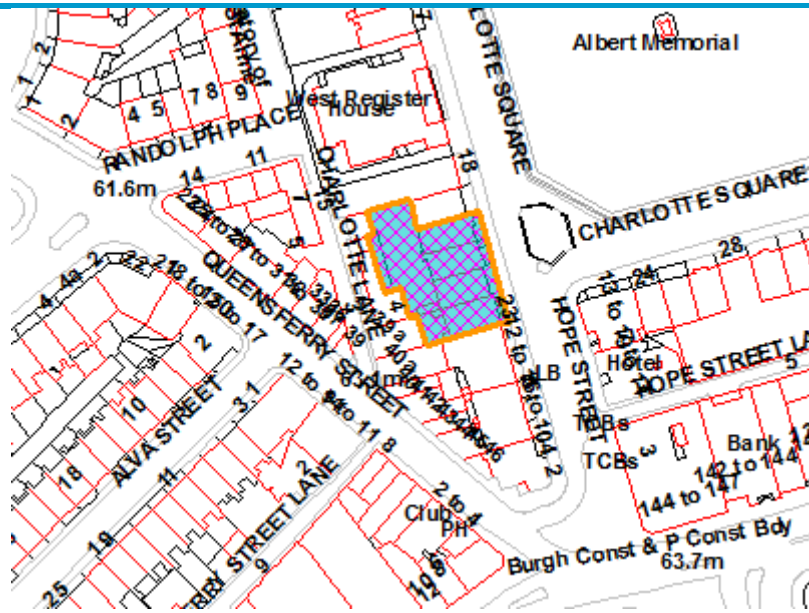
The application properties, 4 terraced houses, form part of the west side of Charlotte Square, designed by Robert Adam, 1791. The properties form part of a neo-classical palace block formed of 6 individual houses, one of a pair that flank former St George's church. We recognise the applicant's intention to create high quality Grade A office accommodation within the Charlotte Square properties and welcome the proposed conservation elements, including the removal of later dormers.

The proposed mansard replacement of the historic roof profile to the rear of Nos 20, 21 & 22 Charlotte Square would, in our view diminish the setting of the rear of the terrace. The original profiles are important and are visible over Queensferry Street. We would ask that alternatives design solutions be considered that could enable greater retention of the 3 townhouses' existing roof profiles.

Roads Authority issues:

The site is within Zone 1 of the City Centre. The proposals represents an increase of 255 sq.m gross office floorspace over that existing. A tram contribution of £17,000 will be required to serve the use.

Location Plan



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END

Development Management Sub Committee

Wednesday 5 December 2018

**Application for Listed Building Consent 18/03413/LBC
At 20, 21 And 22-23 Charlotte Square, Edinburgh,
Demolition of existing non-original rear extensions and
dormers to front elevation, construction of new rear
extensions and new mansard roof at rear, installation of
new rooflights, slim double glazed windows and internal
alterations (as amended)**

Item number	7.1(b)
Report number	
Wards	B11 - City Centre

Summary

The proposed works have special regard to the desirability of preserving the building and its setting, will have no adverse effect on any feature of special architectural interest. The works observe the non-statutory Guidance for Listed Buildings and Conservation Areas, and will not adversely impact on the character and appearance of the listed building. There are no other material considerations which outweigh this conclusion.

Links

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

Report

Application for Listed Building Consent 18/03413/LBC At 20, 21 And 22-23 Charlotte Square, Edinburgh, Demolition of existing non-original rear extensions and dormers to front elevation, construction of new rear extensions and new mansard roof at rear, installation of new rooflights, slim double glazed windows and internal alterations (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 constitutes four town houses on the west side of the street fronting Charlotte Square, plus a rear courtyard and car parking area accessed off Randolph Place Lane. The site forms part of the original First New Town Plan laid out in accordance with James Craig's famous design of 1766. The buildings were designed by Robert Adam in 1791 and were listed category A on 3 March 1966 ref: LB28504. They were built largely between 1803 and 1807 with later 20th century attics.

The development is within the Edinburgh World Heritage Site - First New Town.

This application site is located within the New Town Conservation Area.

2.2 Site History

The pre-1990 history of the four townhouses can be seen in the applicant's Design Statement. The post 1990 history is as follows:

27 August 1991 - No.19-20: Listed building granted for alterations.(Planning reference 91/1437/LBC).

22 May 1992 -No.19-20: - Listed building consent granted in retrospect for internal alterations (as amended). (Planning reference 91/2524/LBC).

Main report

3.1 Description Of The Proposal

The proposals, as amended, are to refurbish the buildings for office use and construct a glass box in the rear courtyard to provide an auditorium, a raised courtyard garden with extra office space below it, and a rectangular pavilion/function room with green roof which will complement the office space.

The auditorium - 10m x 6m (60m²) will replace the existing pyramidal glazed extension to the rear of No.23 at lower ground level and will span over two levels with a glazed atria link access from the townhouses being at lower ground and ground floor levels. On the south boundary, a louvred metal fence will be installed in the gap between the auditorium and the office block to the west (Randolph House).

The pavilion to the rear of No.20-21 will measure 18m x 6m (108m²), have a green sedum roof and a green wall on the west side. The large elements of glazing and mirrored rainscreen cladding allow tenants to have a stronger connection with the green amenity space whilst protecting privacy.

The vertical outshoots at the back of the buildings will be extended laterally and in rubble stone to allow for tea prep areas and toilets for each floor. A lift will be installed in the small rear room of each townhouse in the former toilet and secondary areas.

The dormers on the front elevations will be removed and the roof re-instated with conservation style rooflights. To the rear, the mix of dormers will be removed and a linear, slated mansard fillet with two tripartite mansard windows per feu, will be built between each boundary skewput to house the lift lobbies and toilets.

The windows are to be replaced with slimline double glazed units.

Internal Alterations

At ground floor, the non-original inner lobby entrance screen is to be removed in no.20 and replaced with a replica of the original at no.21. The earlier proposals to demolish the walls between the lobbies themselves has been omitted. Removal of part rear walls and some sash and case windows to gain access to the pavilion and allow the toilets to be created will be required.

At first floor, the central two properties are to be linked by creating a slapping through both sides of the small office situated behind the central porticoed part of the building. The gaps have been reduced in width and nibs left to mark the line of the walls removed. The opening up of the dummy window in the arched glazed centre piece is omitted.

At second floor, two partition walls are to be removed at the front which intersect with piers of the large arched window.

Scheme 1

Originally, the front first floor windows were to have their cills raised back to above the band course to match the others in the terrace.

The proposed raised front window cills are deleted. Demolition of the wall between the front vestibule of Nos.20-21 are deleted. Opening up of the 1st floor dummy window has been omitted. There has been a reduction in the wall slapping width between Nos.20 and 21 at first floor, with retention of nibs to each side of each opening.

Supporting Documents

A Design Statement has been submitted by the applicant which is available to view on the Planning and Building Standards on-line services.

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.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

- a) the design of the proposals have an adverse impact on the character and appearance of the listed building and the conservation area;
- b) the internal alterations to the listed building adversely impact on the character of the listed building;
- c) public comments have been addressed; and
- d) there are any equality or human rights issues.

a) Impact on Listed Building and Conservation Area

In determining applications for listed building consent, the Development Plan is not a statutory test. However, the policies of the Edinburgh Local Development plan (LDP such as Env4 and Env6) inform the assessment of the proposals and are a material consideration.

The New Town Conservation Area Character Appraisal states (that) "The grid hierarchy of grand streets, lesser streets, lanes and mews throughout the conservation area" form part of the essential spatial character; and in terms of building forms, "The consistent massing of buildings retaining the original building proportions." As regards architectural character, the following items form part of the essential character: "Original design form..... and the standard palette of materials including blonde ashlar sandstone, timber windows and pitched slated roofs." It says that "...flexibility of use of original townhouses" is also part of the essential character.

The new auditorium to the rear of No. 23 replaces an existing glazed pyramidal roofed room and this will be a similar sized structure. This extension will provide a mix of traditional stone and glazing. The areas of glazing will provide a visual separation between the rear of the townhouse and the new build.

The Pavilion makes use of a barren parking courtyard, which runs the whole length of the four townhouses and has no traces of town house feu walls. It is centred away from the rear elevation of the listed buildings and is not overdevelopment of the site. In some ways, it represents a modest form of the overarching glazed atrium treatment carried out on the rear of the townhouses on the south side of Charlotte Square by the same developer. The pavilion is sufficiently detached (small glazed link only) from the rear elevation of the listed building that it respects its setting and character and utilizes an otherwise visually poor car park/courtyard which detracts from the character of the listed building.

The new pavilion will be clad in buff ashlar sandstone, mirror glazed curtain walling and a living wall system on the rear (west) elevation. The materials are of a quality finish and appropriate to the enclosed courtyard context at the rear of the building. Despite a mainly glazed appearance, it will have a sandstone base which will ground it visually in relation to the listed buildings. The proposed pavilion will be set within the enclosed courtyard and will have no adverse impact on the character or appearance of the conservation area. The modern intervention will make a positive contribution to this space.

Outshots

The outshots are later, but early additions to the back of the buildings. Increasing these laterally and sympathetically in rubble stone will not detrimentally impact on the character of the buildings. They will be seen as typical rear bay/ tower elements which traditionally house the likes of servants' sculleries and toilets. The top part of the extension will be seen in restricted views from Randolph Place and Melville Street, but otherwise will be obscured from view within the conservation area.

Roof Alterations

The rear elevation has traditionally been less of a public elevation and has had tower elements and dormers added to the roof over time. On the adjacent part of the terrace to the north, mansard fillets have been added. The replacement of the dormers on the rear roof with similar mansard fillets achieves the toilet and lift lobby spaces required. It is the most effective way of encapsulating the required spaces without building several awkward looking individual dormers in close proximity to each other.

The proposals represent a significant alteration to the fabric of the rear roof but one which complements its character and reflects changes made to the roof of the north range of townhouses. The mansard will be seen in limited views and will otherwise match the massing and appearance of the rear of this terrace. By providing the facilities within the rear outshots and the roof alteration, this allows the listed building to be retained internally as considered within the concurrent listed building application. The removal of the dormers of the front elevation and replacement with conservation rooflights restores the profile of the important historic roof with the conservation area.

Conclusion

The external alterations are measured and appropriate to the special character of the listed building and its appearance within the conservation area.

b) Character of Listed Buildings - Internal

The proposed alterations to the properties at 20 – 23 Charlotte Square retain the plan form of these townhouses and introduces minimal interventions to the principal rooms across all properties. The proposals have been revised to retain the entrance hallways at Nos 20 and 21 to ensure the individual characteristics of the townhouses are retained.

The alterations on the second floor of these buildings will restore the intended Adam design appearance of the central window at 20 and 21 whilst allowing circulation space at this level of the building.

Previous connections between numbers 22 and 23 are removed and these buildings are restored as standalone properties. A connection is made at upper levels between 20 and 21 to allow circulation between these two properties. Overall the internal alterations are minimal and any interventions, i.e slappings are away from the significant rooms and detailing. Facilities such as toilets and lifts have been positioned to the rear within architecturally unimportant, secondary area. The character of the four individual townhouses is retained across the proposals.

Due to the potential presence of original glass/frames, a condition is recommended to require a window survey before any alterations are carried out to ensure any historically important fabric is retained. This condition addresses their concerns.

Conclusion

Internally, the principal rooms, stairs and lobbies remain intact and this a fundamental benefit of the proposed works. The internal works will not adversely impact on the character of the listed buildings.

c) Public comments

Material Comments

- Concerned about proposed slappings across several floors – addressed in 3.3 b) of the assessment;

- Level of original fabric that will be lost - wall loss on several floors to rear - addressed in 3.3 a) of the assessment.
- Proposed mansard roof to rear - addressed in 3.3 a) of the assessment.
- Overdevelopment - new pavilion. Need to maintain subtle separation between the fues - addressed in 3.3 a) of the assessment.
- Windows are to be replaced - addressed in 3.3 a) of the assessment.
- Opening up of (original) dummy window to the centre of nos. 20 and 21 at front first floor – the dummy window is being retained as part of the proposals.

d) Equalities and Human Rights

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

Overall Conclusion

The proposed remodelling of the buildings to serve a re-use as high quality offices with up-to-date facilities and total refurbishment of the listed fabric will enhance the buildings. The extensions are relevant and well placed and will be built in quality materials which complement the location and the listed building.

The proposed works have special regard to the desirability of preserving the building and its setting, will have no adverse effect on any feature of special architectural interest. The works observe the non-statutory Guidance for Listed Buildings and Conservation Areas, and will not adversely impact on the character and appearance of the listed building.

There are no other material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Sample/s of the proposed materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.
2. Details of a window survey plus slimline double glazing cross-sections/elevations at not less than 1:20 scale shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.
2. In order to safeguard the character of the statutorily listed building.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 20 July 2018. One letter has been received from the Architectural Heritage Society of Scotland.

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 allocated as City Centre in the Edinburgh Local Development Plan (LDP) where mixed uses are acceptable subject to complying with other policies in the LDP.

Date registered

4 July 2018

Drawing numbers/Scheme

01-08; 09A,;

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Duncan Robertson, Senior Planning Officer

E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

Links - Policies

Relevant Policies:

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.

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 18/03413/LBC At 20, 21 And 22-23 Charlotte Square, Edinburgh, Demolition of existing non-original rear extensions and dormers to front elevation, construction of new rear extensions and new mansard roof at rear, installation of new rooflights, slim double glazed windows and internal alterations (as amended)

Consultations

Historic Environment Scotland

The 4 terraced houses at numbers 20 to 23, form part of the west side of Charlotte Square, built by Robert Adam, 1791. The properties form part of a neo-classical palace block formed of 6 individual houses, one of pair that flank the former St George's church.

Proposals to alter a listed building must be informed by, and respond to an understanding of the building's special architectural interest, and preserve or enhance its character and appearance. The proposals would see alterations, upgrading and extensions to the listed buildings to provide office accommodation. The scheme would include reworking of some internal spaces, removal of east facing dormers along with down-takings and extensions to the rear. Our views on the revised proposals are as follows:

Internal alterations

The significance of a listed building's interior, or part of its interior, is usually derived from a number of factors, including the degree to which an interior remains intact from key periods in its history. The plan form, that is the arrangement and division of internal spaces into rooms and circulation spaces such as halls and corridors is a key component of the character and special interest of any building. Historic features such as doors, windows, fireplaces, cupboards and decorative plasterwork also make a significant contribution to the building's special interest.

We note and welcome the revised proposals for the entrance hallways for the Nos 20 & 21, and for the street facing rooms directly above at first floor level.

Works to rear elevation

The existing form of the townhouses' rear elevations contribute to the buildings' character and appearance. The proposed works to create additional provision of toilet and tea preparation facilities would see the loss of the historic 2-storey outshot at Nos 20 & 21, loss of six original windows and the construction of new full-height, broad masonry extensions. The form of these 3 rear extensions would, in our view significantly diminish the historic character and appearance of the terraced houses.

We would ask that the proposed loss of the outshot and the addition of broad, masonry, full height extensions be reconsidered. Furthermore, consideration should, in our view, be given to retaining the external form of the existing outshots and externally expressing the additional service accommodation by the use of a contrasting, cladding material, perhaps lead or zinc. We do not consider rebuilding them in masonry is the best approach, either historically or architecturally.

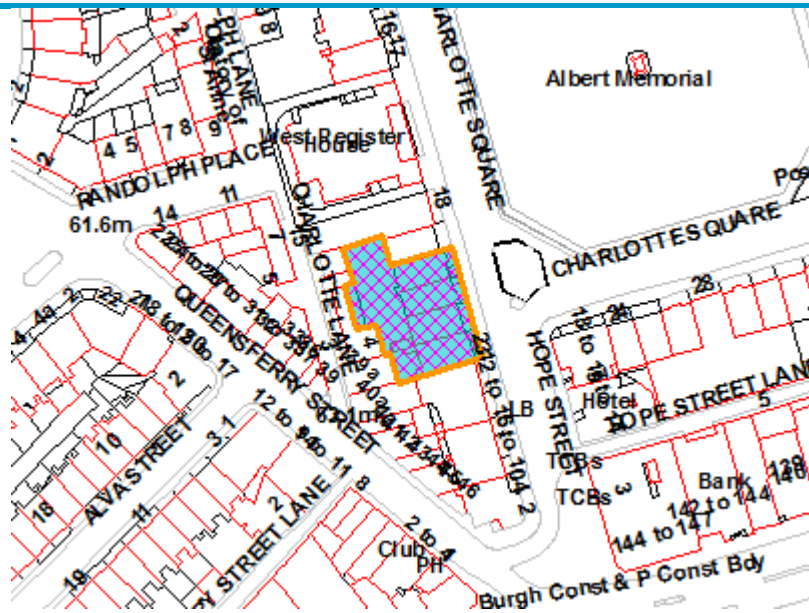
Rear roof proposals

The complete loss of the existing, sloping rear roofs to Nos 20, 21 & 22 and their replacement with mansard roofs would in our view have a significant detrimental impact on the character and appearance of the rear of the properties. This element of the scheme should be given further consideration to enable a greater retention of the historic form of the rear roofs.

Windows

We note the proposed replacement of all windows. There is a presumption in favour of retention, overhauling and upgrading of historic windows. A window survey would enable an assessment of the age and condition of each window and inform an appropriate retention overhaul or replacement strategy. Many of the windows are original and contain historic Crown glass. Without a survey we would suggest this part of the proposals is not consented, or is appropriately conditioned.

Location Plan



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Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/00846/FUL
At Land 120 Metres South East Of 98, Ocean Drive,
Edinburgh**

Residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended).

Item number	7.2
Report number	
Wards	B13 - Leith

Summary

This proposal is of an acceptable scale and density and will provide 245 new homes at the Leith Waterfront area. Furthermore, it will contribute to the wider regeneration of Leith waterfront through the provision of new housing and a commercial unit on a vacant urban gap site. The proposal is of an acceptable layout and design and will not have an unreasonable impact on the amenity of the surrounding area. The proposal provides acceptable levels of car and cycle parking. The applicant has demonstrated that the proposal would not prejudice the delivery of safeguarded transport routes including the tram and promenade.

The proposal to provide the required 25% affordable housing provision through a combination of 50 affordable rented units and Golden Share or commuted sum (11 units) is acceptable.

Concerns have been raised regarding air quality and noise pollution, however these form part of the consideration in the determination of the planning application and on balance, given the wider benefits of the proposal subject to the inclusion of appropriate conditions, the application is acceptable.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non Statutory Guidance.

The proposal is acceptable. There are no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN03, LEN08, LEN09, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LRS06, SDP, NSG, NSGD02, OTH,
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Report

Application for Planning Permission 18/00846/FUL At Land 120 Metres South East Of 98, Ocean Drive, Edinburgh

Residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended).

Recommendations

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

Background

2.1 Site description

The application relates to a site of one hectare which is located on an area of land between Albert Dock to the north and Victoria Dock to the south with Ocean Drive forming the southern boundary. The site opposite (Waterfront Plaza) has consent for a residential development which is currently under construction. The Ocean Point office development and Ocean Terminal are located to the west.

The site is currently vacant brownfield land.

There is currently no vehicular access to the site. A dilapidated jetty is located along the northern site boundary. A replacement quay wall is currently under construction in this section of the site.

2.2 Site History

05 July 2002 - planning permission granted for two 16 storey residential blocks (application reference 01/02765/FUL).

15 January 2018 - planning permission was granted for the construction of a new quay wall extension (application reference 18/00186/FUL).

adjacent site

14 August 2018 - planning permission was granted for a development of 388 residential units and 29 commercial units on the site opposite the application site (Waterfront Plaza) (application reference 16/03684/FUL).

21 August 2002 – planning permission was granted for two office blocks on the site immediately to the west of the application site. One block fronts Ocean Terminal (built) and a nine storey block fronting Ocean Drive was never built but the consent is still live.

Main report

3.1 Description of The Proposal

The proposal is for the development of four residential blocks, one with a commercial unit at ground floor level. The proposal would comprise of 245 units in total (11 Studio apartments, 44 one bedroom apartments, 142 two bedroom apartments and 48 three bedroom apartments).

Block A would be seven storeys in height and comprises 50 units in total (seven one bedroom apartments, 36 two bedroom apartments and seven three bedroom apartments). The residential apartments in this block would be affordable units.

Block B would be 13 storeys in height and comprises 105 units in total (11 studio apartments, 17 one bedroom apartments, 63 two bedroom apartments and 14 three bedroom apartments).

Block C would be 11 storeys in height and comprises 59 units in total (12 one bedroom apartments, 29 two bedroom apartments and 18 three bedroom apartments).

Block D would be 9 storeys in height and comprises 31 units in total (eight one bedroom apartments, 14 two bedroom apartments and nine three bedroom apartments). This block would have a 151 sqm commercial unit at ground floor level.

The proposal includes the provision of under-croft car parking and at grade parking along the northern elevation of the proposed residential blocks. The proposal would include 154 vehicle parking spaces comprising of 13 accessible spaces and 11 motorcycle spaces. The site would have infrastructure to support 27 electric charging points within the under-croft car park.

Cycle storage associated with each residential block is proposed with a total of 320 cycle spaces. They will comprise of two tier racks within the communal store area of each block.

Vehicular access to the site is proposed along the western site boundary. This would form a private access allowing for bin collection to block B and access to the car parking associated with each block.

Landscaped areas are provided at first floor level. The landscaped areas will be accessible from each of the residential blocks. There will be links from the raised deck to the promenade proposed along the northern site boundary. At ground level, the waterfront landscaping creates further amenity space through the use of the landscape strip and boardwalk areas. The ground floor apartments of Block A which face onto the garden deck each have private garden space. These have been designed to allow for a defensible space to allow for privacy without being disconnected from the main garden. The flats in Blocks, B, C and D all have balconies.

The proposal would be finished in blonde brick cladding with concrete panelling at ground floor level. Acid etched concrete banding will wrap around each floor of the development. The blocks will have single ply roof membrane and bronze toned windows and doors. The same materials will be used for both the affordable housing and the rest of the housing.

Previous Schemes

The scheme has been amended to include the following changes:

- Remove any works to the listed dock;
- Alter the housing mix and numbers across the site;
- Changes to the entrance to block A;
- Updated parking provision;
- Updated landscaping plans and promenade design;
- Changes to the proposed building materials;
- Respond to waste comments; and
- Revised plans to show proposed works with the Ocean Drive to accommodate tram delivery.

Supporting Statements

The following documents have been submitted in support of the application:

- Pre-application Consultation Report;
- Design and Access Statement (and addendum);
- Planning Statement;
- Visual Impact Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Energy Strategy;
- Tree Survey;
- Noise Report;
- Air Quality Impact Assessment; and
- Daylight, Sunlight and Privacy Assessment.

These documents are available to view on the 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 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 development is acceptable;
- b) The design, scale and layout are acceptable;
- c) There are any impacts on amenity for future occupiers;
- d) Parking, access and road safety arrangements are acceptable;
- e) The proposal meets the sustainability criteria;
- f) The proposals have any equalities or human rights impacts;
- g) Impact on infrastructure can be mitigated;
- h) There are any other material planning considerations; and
- i) The representations raised have been addressed.

a) Principle of Development

The site is within the Central Leith Waterfront in the adopted Edinburgh Local Development Plan (LDP) and is identified for housing led mixed use development (Proposal EW 1b).

LDP Policy Del 3 – Edinburgh Waterfront supports development that will contribute towards the creation of new urban quarters at Leith Waterfront. Policy Del 3 requires development proposals to include the provision of a series of mixed use sustainable neighbourhoods that connect with the waterfront and proposals for a mix of house types, sizes and affordability. The development includes a mix of unit sizes and tenures and proposes an extension of the existing boardwalk to connect with the waterfront.

The proposal also includes a commercial unit on the ground floor of Block D. While the unit is of a modest floorspace, it is conveniently located to front Ocean Drive and also connects to the pedestrian and cycle links along the promenade. The proposed unit will complement the existing and emerging mix of land-uses within the surrounding area.

LDP Policy Hou 1 Housing Development supports residential development that contributes towards meeting Edinburgh's housing need. The estimated housing capacity of the Central Leith Waterfront Area is 2720. The proposal would provide 245 units which will contribute towards meeting the identified housing need in Edinburgh.

The principle of the proposal accords with LDP Policies Del 3 and Hou 1. Residential development in this location is supported.

b) Scale, Layout and Design

Initial proposals were presented to the Edinburgh Urban Design Panel on 27 October 2017. The Panel was supportive of the design concept for this proposal and acknowledged that it represented an exciting opportunity for the area. The panel's report is provided in Appendix 1.

LDP Policy Des 1- Design Quality and Context seeks to encourage development that will contribute towards a sense of place and draws upon the characteristics of the surrounding area. Policy Des 2 stipulates that new development should not compromise the effective development or regeneration of surrounding land.

The application site is located within a mixed use area with uses including office, retail, industrial and residential. The historic character of the area is changing as adjacent sites are developed. The land along the port edge is linked via a pedestrian promenade.

Policy Des 4 – Development Design requires that new development has a positive impact on its surroundings having regard to height and form, scale and proportion, and materials and detailing.

The four apartment blocks have been positioned within the site in a north-south orientation with gardens located between each building. The apartment blocks vary in height with the tallest blocks being in the centre and the two on either side being smaller in height. The surrounding area comprises of a mix of uses and architecture including building of high density. The proposal in its current form will add to this mix through the provision of a high quality, high density residential development. The density of the development is characteristic of the waterfront area with examples of tall office and residential buildings along the waterfront. Density of this scale was always envisaged in the Leith Docks Development Framework (2005). The previous approved development for this site (now expired) was for 16 storey high blocks. Moreover, high density development on brownfield sites in the waterfront is essential to achieve the housing figures set out by in the LDP.

The design and access statement includes view analysis which provides an understanding of the visual impact of the proposal. Given the scale of the proposal, it is accepted that it will be highly visible within the immediate area. However, given the waterfront location and the existing tall buildings in the area including the neighbouring office building, the site is capable of accommodating a development of this scale. Furthermore, the generous setback from the port boundary and the use of landscaping will enhance and soften the impact of the development when viewed from the surrounding area.

LDP policy Des 10 – Waterside Development requires developments on sites on the coastal edge to provide an attractive frontage to the water and maintain, provide or improve public access along the water's edge.

The proposed development provides an attractive frontage to the water's edge and has a wide area of landscaping between the access road and the promenade which will be extended along this section of the coastline as part of the application.

The proposal has two frontages. On the frontage to Ocean Drive, each of the blocks has a clear and distinctive entrance door along with landscaping which activates the road frontage. A footpath along Ocean Drive and the proposed promenade along the port edge provides pedestrian and cycle links between the site and adjoining land uses.

Each of the buildings is linked through the proposed building materials which include blonde brick cladding and concrete panelling. Windows will be full height with metal frames and glass balustrades. The window design also links the buildings and provides cohesion through the site. The simple design, in association with the landscaping, will positively contribute to the changing sense of place within the Leith Waterfront area.

Given the importance of the building finish, a condition of the permission will require that building material samples be submitted to and approved prior to the commencement of the development.

LDP Policy Hou 2 – Housing Mix seeks to ensure a mix of housing types and sizes are provided to meet a range of housing needs. The proposal provides a mix of sizes including one, two and three bedroom apartments. The Edinburgh Design Guidance recommends that developments provides at least 20% family accommodation. This proposal includes 19.6% of units having more than three bedrooms and a further 5% of units would be two / three bed units. Since these units have large floor areas, they are capable of accommodating a family.

LDP Policy Hou 3 – Private Green Space in Housing Development requires development to make adequate provision for green space to meet the needs of future residents. Flatted developments should have 10sqm per flat and a minimum of 20% of the overall area should be open space. The proposed private market flats have balconies providing private amenity space for occupants. Blocks B, C and D also have access to two central courtyard green spaces via ramps from each of the blocks. These areas would be private communal amenity space for residents that also links to the public promenade.

Block A has private amenity space accessible via a walkway for all the residents with the exception of ground floor residents which would have private amenity ground. Overall, the proposal provides adequate amenity space within the site and provides links connecting the site to adjoining public amenity space in the immediate surrounding area.

The proposed planting is of a simple design with species appropriate for the location. The planting will enhance the site and also provide a buffer between the public promenade and private car parking area north of the residential development. A condition has been attached requiring that the landscape scheme is implemented prior to the completion of the development.

Overall, the scale, layout and design of the proposal is acceptable and accords with LDP policies Des 1, 2, 4 and 10; and Hou 2, 3 and the Edinburgh Design Guidance.

Notwithstanding the above, concerns have been raised regarding the impact that the proposal would have on the World Heritage Site and listed buildings within the surrounding area. LDP policies Env 3 – Listed Buildings – Settings and Env1 – World Heritage Sites require consideration of these points. Considering the distance from the World Heritage Site and the view analysis submitted, it is concluded that the proposal would have a neutral impact on the World Heritage Site. The proposal was amended to no longer include works to the listed Victoria Docks. The landscaping along the dock frontage further reduces the impact the proposal would have on the historic character and appearance of the listed dock.

Overall, the proposal is acceptable in terms of LDP policies Env 1 and Env 3.

c) Amenity of occupiers and neighbours

LDP Policy Des 5 – Development Design – Amenity seeks to ensure that development does not adversely impact on the amenity of existing neighbours and that future occupiers will have an acceptable level of amenity.

Noise

The Noise Impact Assessment (NIA) considers the potential noise impact of road traffic and neighbouring port and industrial uses.

(i) Noise from road traffic

A Noise Management Area has been established on Lindsay Road at Portland Street relating to transport noise. The Noise Impact Assessment acknowledges that this development would add to the number of sensitive receptors in the area through transport noise. The NIA predicts that noise from road traffic will be most significant at ground floor levels on the south facing elevation of Block A but the predicted levels are lower further up the building. The ground floor of Block A does not contain any habitable rooms. The NIA suggests that the noise can be effectively controlled through appropriate design with mitigation in the form of acoustic double glazing and whole house mechanical ventilation heat recovery (MVHR) systems. The level of acoustic mitigation required will depend on the elevation, the height above ground level, the size of windows and the use of the room.

The applicant therefore proposes that the performance requirement of windows for each room will be determined in accordance with the detailed method set out in BS 8233:2014 prior to the installation of glazing. In addition, the applicant proposes that all habitable rooms shall be provided with opening windows and a centralised mechanical extract system.

Environmental Protection has recommended that mitigation measures including the specific details on the glazing units required for each affected habitable room would be required and notes that this has not been submitted. A condition has been included to address this. Environmental Protection also notes that details of the proposed MVHR have not been submitted but again, this can be conditioned.

(ii) Noise from Port Operations

The NIA has concluded that port activity has the potential to have a significant adverse impact at the nearest residential units within the proposed development. This demonstrates that rooms with windows on the most exposed elevation would not comply with the noise criteria allowing for the open windows. Outdoor amenity space would also fail to meet the required noise criteria. The assessment has highlighted that the main sources of noise from the port was recorded during the daytime when there was increased port activity. There are no restrictions on the port activities which may be carried out at any time and in any part of the port.

The applicant has suggested mitigation in terms of acoustic glazing and MVHR. Environmental Protection has the same concerns as raised with the proposed transport mitigation measures as no detail has been provided and as a result, has recommended that the application is refused on the grounds of noise impacts. As stated previously, a condition is required to ensure that the suggested mitigation measures are implemented.

Although the proposed measure would not mitigate noise impact in the outdoor space or with windows open, the mitigation measures by way of glazing and MVHR would achieve a reasonable standard of amenity for occupants. The applicant has advised that the use of MVHR is appropriate as it provides the equivalent of fresh air as a conventional trickle vent, complies with Scottish Building Standards and is eco-friendly as it reduces energy requirements for space heating.

Air Quality

As the site is in close proximity to two Air Quality Management Areas (AQMAs), the applicant was asked to carry out onsite monitoring for particulate matter. In particular, Environmental Protection was concerned that emission levels may exceed air quality objectives for Particle Matter 10 (PM10) due to the site's proximity to the port. The applicant instructed consultants to undertake air quality monitoring at the proposed development site over a three month period to help quantify the baseline particle concentrations.

Monitoring took place between 27 February and 7 June 2018. Whilst the three month monitoring period meets minimum standards, a longer time period would provide a better understanding of annual concentrations. In order to compare these results with Scottish Government air quality objectives, the three month monitoring results were annualised using data from 2017. It was not possible to undertake this process using data from 2018 because this will not be available until early 2019.

The current Scottish Government objective for PM10s is an annual mean of 18ug/m³. The consultant's findings showed an annualised figure of 16 ug/m³ which meets Scottish Government requirements and is at the same level as the adjacent Cala Homes site at Waterfront Plaza.

SEPA initially objected to the application on air quality grounds. However following consideration of the air quality monitoring information submitted by the applicant, this objection has been withdrawn.

SEPA's response does recognise that the short term monitoring period and severe weather conditions may not give an accurate indication of pollution concentrations on the development site. It also states that the Council should be aware that exceedance of the PM 10 objectives once the site is developed for residential purposes will lead to the need to declare an AQMA. However this is already the case for the adjacent CALA homes site.

Environmental Protection recommends refusal of the application on air quality grounds. It is concerned that the average recorded PM10 level over the three month monitoring period was 19 ug/m³ which exceeds the current objective in Scotland. It is also concerned that the methodology used to calculate the annualised figure was not undertaken in accordance with appropriate technical guidance. Environmental Protection is of the view that future residential properties could be exposed to unacceptable levels of particle pollution in excess of the Scottish Government Objective. No mitigation measures are proposed by the applicant and no suitable measures have been identified by Environmental Protection.

LDP Policy Env22 does not support development where there are significant adverse effects for health or on air quality. Environmental Protection is of the view that this development has the potential to have a significant adverse effect on health and air quality. However, the air quality consultant appointed by the applicant and SEPA do not consider this to be the case.

In making a judgement in relation to this application, consideration has been given to the appeal decision at 2 Ocean Drive (14/05127/FUL). In this case, the Council refused planning permission on air quality and impact on health grounds. In overturning the Council's decision to refuse planning permission, the Reporter observed that there is a downward trend in annual mean PM10 levels at the monitoring station at Salamander Street and across the city. The Reporter concluded that he was not satisfied overall that adverse effects for health should be properly regarded as significant and the proposal would not conflict with LDP Policy Env 22. The application site is identified for housing development in the LDP and planning permission was granted in August 2018 for housing on the adjacent Waterfront Plaza site (16/03684/FUL), a location with similar PM10 levels.

Environmental Protection is also concerned about the potential impact that traffic from the proposed development will have on the existing AQMA declared for Nitrogen Dioxide (NO₂), a transport related pollutant. However, the principle of development is supported by the LDP and the proposed car parking levels is acceptable in terms of the Council's parking standards. The level of parking for the development has been reduced from 178 spaces to 154 spaces and infrastructure for 27 electric vehicle charging points is proposed. Parking is located away from Ocean Drive and part is located in under-croft to help mitigate the impact of cars.

Conclusion

Housing development in this location raises concerns for Environmental Protection in terms of noise and air quality. However, the principle of housing development is supported by the LDP and in terms of noise impact, mitigation measures can be secured by condition. There are differences in opinion between the applicant and SEPA and Environmental Protection regarding the air quality monitoring information and whether PM10 levels on this site exceed Scottish Government objectives. There is no suitable mitigation measures that could be covered by condition in relation to this application. However on balance, taking account of the LDP allocation, the 2017 appeal decision and the recently approved housing development on the adjacent site, it is not considered that refusal on the grounds of air quality is justified.

Internal Space Standards

All of the proposed flats comply with the minimum standards set out in the Edinburgh Design Guidance.

Daylighting, Sunlight and Privacy

The applicant submitted a Daylight and Sunlight Assessment which assessed the proposal against the recommendations of the BRE 'Site Layout Planning for Daylight and Sunlight: a guide to Good Practice'.

Daylight

The Edinburgh Design Guidance requires that daylight to new and existing buildings is protected. It is noted that there is no residential development immediately adjacent to the site. However, the assessment includes the recently approved residential development to the south of the site. The assessment demonstrates that all windows comply with the requirements of the BRE and the Edinburgh Design Guidance.

Sunlight

The Edinburgh Design Guidance requires that at least half of garden or amenity space receive at least 3 hours of daylight on 21st March. Of the 19 gardens proposed, 15 would comply with the Edinburgh Design Guidance requirement. However, all 19 would exceed the BRE standard of 75% having directly incident sunlight for a day.

In terms of the communal garden space, three out of the four gardens achieve 50% sunlight for at least 3 hours and the remaining garden area only marginally does not achieve this standard with 100% achieving sunlight for at least two hours and 48% sunlight light for another hour.

On balance, given the scale of the development proposed and the access to both private and public open space within the site, the marginal infringement in terms of sunlight is acceptable.

Privacy

Privacy is afforded to all occupiers of the new development and to neighbouring property at the adjacent sites.

Amenities

The proposal includes four bin stores within the ground floor of each of the apartment blocks. Each of the stores is conveniently accessed from block cores. The proposal has been agreed by the Council Waste Services Team.

d) Parking, Access and Road Safety

Transport Information was submitted as part of the application which provides a detailed assessment of the transport considerations associated with the proposal.

Access

Vehicular access to the site will be provided from Ocean Drive. A loop is proposed behind the development blocks providing access to the car parking areas. Concerns have been raised regarding the impact that the development would have on traffic within the surrounding area. It is acknowledged that the development of an additional 245 residential properties and a commercial unit will generate additional traffic movement. However, the site is identified for housing in the LDP, benefits from excellent public transport connections and will enhance the existing cycle routes in the area.

The LDP Action Programme has identified a number of transport actions in this area required to mitigate the impact of new development on sites allocated in the LDP and a contribution is required by the developer towards this. Subject to the required contribution to tram and other transport infrastructure (see section 3.3 g)), the proposal would not have an unreasonable impact on existing transport routes and it has been demonstrated that the existing network has the capacity to deal with the increase in traffic volume. No concerns have been raised by the Roads Authority in relation to this point.

LDP Policy Tra 7- Public Transport Proposals and Safeguards – seeks to protect safeguarded transport proposal routes which includes the tram along the southern boundary of the site and the promenade. The proposal includes the provision of a promenade along the northern boundary. The design and finish of the promenade is acceptable and accords with the requirement of the Promenade Design Code. The promenade has been designed to enable links with the adjacent site should a development proposal come forward in the future. A condition of the planning application will ensure the timely delivery of the promenade and associated landscaping.

LDP Policy Tra 7 stipulates that planning permission will not be granted for development which would prejudice the future delivery of infrastructure. The applicant has demonstrated that the tram line can be accommodated along Ocean Drive.

Overall, the access arrangements to the site are appropriate and the development will not prejudice the future delivery of safeguarded transport proposals in accordance with LDP policy Tra 7.

Parking

LDP Policy Tra 2 – Private Parking requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The proposal includes 154 spaces within the site, located within an enclosed ground floor car park at the base of each of the blocks and a row of parking along the northern elevation of the buildings. The applicant has submitted justification for the level of car parking which is acceptable within the context of the site and surrounding area. The proposal also accords with the Edinburgh Design Guidance and policy Tra 2 with regard to the provision of accessible spaces and motorcycle spaces. It is noted that while electric charging points are not included in the proposal, 27 spaces would be equipped for charging if required in the future in accordance with the Design Guidance standards.

Overall, the level of vehicle parking is acceptable and accords with LDP Policy Tra 2 and the Edinburgh Design Guidance.

Cycle Parking

LDP Policy Tra 3 – Private Cycle Parking requires that cycle parking and storage within the development complies with Council guidance. The proposal includes dedicated cycle storage for each of the blocks. Overall, a total of 336 spaces would be provided. Although this is less than the 523 required by the Edinburgh Design Guidance, justification has been provided for the reduced level. This is on the basis that the proposed level exceeds the level that would be required if the 20% cycle mode share target in Edinburgh Council 2020 vision was combined with an average occupancy level of 2.5 people per dwelling. The Roads Authority has no objection in terms of cycle parking provision.

Therefore, overall, the proposal is acceptable in terms of LDP Policies Tra 2 and 3 and the Edinburgh Design Guidance.

e) Sustainability

The applicant has submitted a sustainability statement as part of the application. The proposed development will meet the requirements of Section 6 (energy) of the 2010 Building Standards through the use of high performance building fabric. It has been designed to maximise energy efficiency through appropriate design.

The proposal has been assessed against Part B of the Sustainability 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 application was submitted before the requirement to comply with the Heat Mapping Guidance. However, an informative has been added to ask for consideration to be given to facilitating connection to any future district heating scheme that may be implemented.

The proposal meets the essential criteria of the Edinburgh Standards for Sustainable Buildings.

f) Equalities and Human Rights

The application was assessed in terms of equalities and human rights. No issues arise.

g) Infrastructure

LDP Policy Del 1 – Developer Contributions and Infrastructure Delivery requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of development. The Council approved new draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery in August 2018. While this has not yet been approved by the Scottish Government, the new draft guidance is a material consideration in the determination of planning applications.

Education

Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. The site falls within Sub-Area LT-2 of the Leith Trinity Contribution Zone. The Council assessed the impact of the growth on the area through Education Appraisal which took into account school roll projections. The Appraisal considered the impact of new housing sites allocated in the LDP, including this site and identified that contributions are required to mitigate the cumulative impact of development.

The following contributions are required towards education actions in the Leith / Trinity Education Contribution Zone:

- £711,930 infrastructure contribution (Quarter 4 2017 valuation subject to indexation)
- £41,990 land contribution (no indexation).

Healthcare

The site is located within the Leith Waterfront Healthcare Contribution Zone as set out in the Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018). A healthcare contribution of £945 per residential unit which equates to £231,525 in total (subject to indexation) is required towards the cost of a new practice to help mitigate the impact of new residential development in Leith Waterfront.

Transport

The site is located within the Tram Contribution Zone. A sum of £369,000 is required for the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. This sum is to be indexed as appropriate and the use period will be 10 years from the date of payment.

In addition, a contribution of £462,548 (subject to indexation) towards transport infrastructure would be required. This sum is to be indexed as appropriate and the use period will be 10 years from the date of payment.

This contribution is based on a proportion of the following transport actions set out in the LDP Action Programme:

- The Water of Leith Cycle Route;
- West end of Victoria Quay Building to Water of Leith Cycle Route via Citadel;
and
- Ocean Drive Eastwards Extension.

The Roads Authority consultation response sets out how the total contribution was calculated.

A further £2,000 has been identified as being required towards the redetermination of sections of the footway carriageway as necessary for the development.

h) Other Material Planning Considerations

Affordable Housing

LDP Policy Hou 6 – Affordable Housing stipulates that planning permission for residential development of 12 or more units should include provision for affordable housing of 25% of the total units proposed.

The proposal is required to include 61 affordable units on site. The application includes the provision of one residential block (Block A) for affordable housing which would provide a total of 50 units on site comprising a mix of mid-market and social rented accommodation. The 50 affordable rented homes would be delivered by Port of Leith HA. The remaining 11 units will be delivered by golden share housing and should that not be possible, by payment of a commuted sum.

In discussions with the developers, a request was made for all 61 homes to be provided on site by a housing association. The full 25% provision by an RSL on the site has not been possible for reasons of viability.

In order to increase the numbers of units within Block A, additional floors of accommodation would be required. Additional units within this block could only be achieved by increasing the height of the block. As the block would then be more than 18m in height, the technical standards become more onerous and would require measures include sprinklers, enhanced building materials and lifts and possibly the requirement for two escape stairs. This would make the affordable housing unviable.

In addition, POLHA and other RSLs seek consolidation of ownership within a single block as this allows them to be able to meet their obligations to tenants to organise repairs and maintenance of their homes. If the affordable provision was split between the block of 50 and another stairwell, this would have not been taken on by POLHA (or other RSLs). POLHA has confirmed its stance on this.

Due to these financial viability reasons, Affordable Housing supports the provision to be made for 50 units on the site with the balance coming forward as Golden Share. The developer has noted the 11 Golden Share homes will be assessed by a valuer closer to the time of construction. If they fall within affordable parameters, then this tenure will be secured for the 11 units. Should they fail to meet this criteria, then a commuted sum of £140,051 will be secured. This would be secured via a legal agreement.

In terms of housing mix for the affordable units, 15% of the units within the affordable housing block would have three bedrooms. While the provision of family housing within the affordable block is below the level recommended in the guidance, in this instance the applicant has provided written confirmation from Port of Leith Housing Association that the breakdown of units responds to demand in the area.

In addition to the above, LDP Policy Hou 6 and the Edinburgh Design Guidance requires that affordable housing is tenure blind and integrated within the market housing. It is acknowledged that Block A is lower than the other blocks and has some architectural differences but overall the block has been designed using the same palette of materials and picks up on similar detailing as Block D including window design and massing to create 'book ends' within the development and cohesion throughout the site. Therefore, the proposed affordable block is well integrated within the site in accordance with LDP Policy Hou 6 and the Edinburgh Design Guidance.

Overall, based on the above, the proposal accords with LDP Policy Hou 6 and the Edinburgh Design Guidance to provide high quality, tenure blind affordable housing that meets current market demands. The proposal is supported by the Council's Affordable Housing Team.

Environmental Impacts:

Given the historic use of the site it was necessary to submit a Site Investigation Report as part of the application. This Assessment is currently still being assessed by Environmental Protection therefore it is necessary to attach a condition to ensure that any issues relating to contaminated land that may arise are fully addressed.

Archaeology:

LDP Policy Env 8 – Protection of Important Remains seeks to protect archaeological remains from being adversely impacted from development. The City Archaeologist has advised that the site is located within a site of archaeological and historic significance. The application was amended to remove any works to the listed entrance to Victoria Dock in response to initial concerns.

There is potential for the site to contain potentially significant remains from the 19th and 20th century. The City Archaeologist confirmed that, subject to a condition requiring an approved written schedule of works, the proposal is acceptable. This will ensure the appropriate protection and excavation as well as recording and analysis of any surviving archaeological remains.

The proposal is acceptable in terms of LDP policy Env 8.

Ecology

Through the assessment of a previous application for the Quay wall, otters were identified. A protected species survey was carried out and a mitigation programme was agreed as part of the licensing agreement. Scottish Natural Heritage has advised that the agreed mitigation can be amended to reflect the proposed development.

The application will therefore not have an adverse impact on the protected species in accordance with LDP Policy Env 16 Species Protection.

Flooding

LDP policy Env 21 seeks to ensure that development does not result in an increased flood risk. No objections have been raised in relation to flooding. A separate consent was approved in January 2018 for a new quay wall extension.

i) Matters raised in representations

Material objections:

- The scale and proportion of the development is not in character with the surrounding area – addressed in section 3.3(b).
- Building height – addressed in section 3.3 (b).
- Visual impact of the buildings – addressed in section 3.3(b).
- Density of the development is inappropriate – addressed in section 3.3(b).
- Impact on local services – addressed in section 3.3(g).
- Impact on local transport network – addressed in section 3.3(d).
- Impact on listed buildings (contrary to ENV 3) – addressed in section 3.3(h).
- Contrary to policy Env 18 – proximity to air quality management zone – addressed in section 3.3(c).
- Lack of green space and public walkways – addressed in section 3.3(b).
- Impact of the proposal on the World Heritage Site – addressed in section 3.3(b).
- Impact on traffic movement – addressed in section 3.3(d).
- The proposal would prejudice the implementation of public transport proposals – addressed in section 3.3(d).

Material representation in support:

- Quality of building design and landscaping.

Non Material Considerations

- Loss of a private view from residential development.

The Leith Harbour and Newhaven Community Council comments:

The Community Council supports the quality of building design and landscaping and affordable housing proposals but has raised concerns regarding road safety issues and potential conflict with the proposed tram route.

Conclusion

This proposal is of an acceptable scale and density and will provide 245 new homes at the Leith Waterfront area. Furthermore, it will contribute to the wider regeneration of Leith waterfront through the provision of new housing and a commercial unit on a vacant urban gap site. The proposal is of an acceptable layout and design and will not have an unreasonable impact on the amenity of the surrounding area. The proposal provides acceptable levels of car and cycle parking. The applicant has demonstrated that the proposal would not prejudice the delivery of safeguarded transport routes including the tram and promenade.

The proposal to provide the required 25% affordable housing provision through a combination of 50 affordable rented units and Golden Share or commuted sum (11 units) is acceptable.

Concerns have been raised regarding air quality and noise pollution, however these form part of the consideration in the determination of the planning application and on balance, given the wider benefits of the proposal subject to the inclusion of appropriate conditions, the application is acceptable.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non Statutory Guidance.

The proposal is acceptable. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives Conditions

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. No construction works shall take place until full technical details of the proposed ventilation system (including HEPA filters) have been submitted to and approved in writing by the planning authority. No residential unit shall be occupied until the ventilation system serving it has been provided in accordance with the approved details.
3. Prior to the installation of any windows, full technical details of the noise protection measures required to mitigate against noise from dock operations and transport noise from Ocean Drive have been submitted to and approved in writing by the planning authority. No residential unit shall be occupied until the agreed noise mitigation measures have been implemented in accordance with the approved details.

4. 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.
5. No construction works shall take place until sample panels, to be no less than 1.5m x 1.5m in size, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, have been submitted to and approved in writing by the planning authority. Construction shall take place in accordance with the approved details.
6. Use of the commercial unit within Block D shall be restricted to Class 1, 2 or Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 only and for no other purpose.
7. The approved landscaping scheme (plan ref 36b) shall be fully implemented within six months of the completion of the development.
8. The approved works to create the promenade (plan ref 36b) shall be fully implemented prior to the occupation of the first residential unit.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. To protect the amenity of the occupiers of the development.
3. To protect the amenity of the occupiers of the development.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. To protect the amenity of the occupiers of the development.
7. In order to ensure that the approved landscaping works are properly established on site.
8. To deliver the promenade at an appropriate stage.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, healthcare, affordable housing, and transport has been concluded and signed. The legal agreement shall include the following:

Education

A financial contribution is required to Communities and Families to ensure that the cumulative impact of the development can be mitigated. The following contributions are required towards education actions in the Leith / Trinity Education Contribution Zone:

- £711,930 infrastructure contribution (Indexed from Quarter 4 2017 to the date of payment).
- £41,990 land contribution (no indexation).

Healthcare

A financial contribution of £945 per residential unit (which equates to £231,525) (indexed from the last date of signing the agreement) is required to Edinburgh His required to be made to Edinburgh Health and Social Care Partnership with NHS Lothian towards the cost of a new practice to help mitigate the impact of new residential development in Leith Waterfront as identified by the Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018).

Affordable Housing

Twenty-five percent of the total number of residential units shall be developed for affordable housing provision, with 50 units provided in Block A and the remainder (11 units) delivered by Golden Share. A commuted sum for the 11 units (£140,051) will only be acceptable in the situation where the units do not fall within affordable parameters. (If it is necessary to have a commuted sum, the amount will be indexed from the date of last signing of the agreement. The use period to be 15 years from the date of payment of the last instalment).

Transport

The following transport contributions are required:

- a). The sum of £462,548 to relevant transport actions from the Edinburgh LDP Action Programme 2018. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (of the last instalment sum), (see Note 4 in the consultation response for further information);
- b). The sum of £369,000 (based on 245 residential units in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed from the last date of signing the agreement and the use period to be 10 years from date of payment (of the last instalment sum); and

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.

2. The works 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. Consideration to be given to facilitating connection to any future district heating scheme that may be implemented.
5.
 - a). 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.
 - b). A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
 - c) The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;
 - d) In accordance with the Council's LTS Travplan 3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (including 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;
 - e) 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.

f) 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. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

g) The proposed site is on or adjacent to the proposed Edinburgh Tram. It would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way
<http://edinburghtrams.com/community/working-around-trams>.

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:

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

Pre-application discussions took place on this application. Initial proposals were presented to the Edinburgh Urban Design Panel on 27 October 2017.

8.2 Publicity summary of representations and Community Council comments

Matters Raised in Representations

The application attracted four letters of representation including one from The Leith Harbour and Newhaven Community Council. The matters raised in the representations have been summarised in section 3.3.

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 part of the urban area and within the Leith Waterfront area as identified in the Local Development Plan. It is part of the area referred to as Central Leith Waterfront (Proposal EW1b) and is designated for residential led regeneration.

A Tram Route Safeguard runs along Ocean Drive to the south of the site.

Ocean Terminal, adjacent to the site, is designated as a Commercial Centre.

Date registered

26 February 2018

Drawing numbers/Scheme

01A, 02A, 03C, 04E, 05C - 08C, 09B - 12B, 13C, 14B - 18B,,
19C - 21C, 22B, 23B, 24C - 27C, 28B - 30B, 31C - 34C,
35B, 36B, 37A, 38A, 39C, 40C, 41B, 42A, 43, 44,

Scheme 2

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jane Iannarelli, Planning Officer
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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 Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

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 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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 16 (Species Protection) sets out species protection requirements for 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 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 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

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

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

Relevant Policies of the Strategic Development Plan

Relevant Non-Statutory Guidelines

The 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 18/00846/FUL At Land 120 Metres South East Of 98, Ocean Drive, Edinburgh

Residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended).

Consultations

Edinburgh Urban Design Panel – 27 October 2017

Recommendations

The Panel was supportive of the design concept for this proposal and acknowledged that it represented an exciting opportunity for the area.

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

- Refinement to the blocks and layout to reflect all of the site constraints and conditions;
- Develop a coherent, high quality pedestrian public realm and landscape design;
- Maximise barrier-free pedestrian permeability into and through the site and minimise conflict with vehicles;
- Develop a variety of typologies for the site; and
- Consider other uses at ground floor.

1 Design Concept

- 1.1 The Panel thanked the presenters for their presentation and thorough analysis of the site context and constraints.
- 1.2 The Panel was supportive of the design concept proposed while noting the challenges of the site and the 'amazing' opportunities given the waterfront location.

2 Layout, built form, height and typologies

- 2.1 Although, supportive of the design concept for the site the Panel strongly encouraged the design team, given the location of the site, to carry out both wind and microclimate studies. These studies may result in changes to building siting and building shapes.
- 2.2 The Panel noted that the proposal will require to be tested through view analysis, from both a local and city perspective. This analysis and testing require to be carried out and may result in design changes to both the siting and height of the buildings.
- 2.3 The proposed broken non monolithic forms and building heights was supported in principle by the Panel as a design concept for the site. However, the Panel noted that further analysis and testing may result in design changes to the siting, form and height of the blocks.
- 2.4 The Panel recognised an opportunity for different typologies to be incorporated into the mix of residential units. This could include units on two levels.

3 Routes, permeability and the spaces between the buildings

- 3.1 The Panel encouraged the appointment of a landscape architect given the design challenges with respect to resolving the design of the routes and spaces between the buildings. Visual permeability through the site was supported by the Panel.
- 3.2 The Panel noted the structural constrains and challenges associated with the site with respect to the harbour wall and welcomed the approach of providing a 10m wide walkway on this edge as a response to this constraint.
- 3.3 The Panel was supportive of the inclusion in the proposals of a design for the 'board walk' route as part of the design for the site. However, they noted the design challenges in achieving a successful pedestrian/cycle route for this east west link particularly if this is also to be used as a vehicular access for the site. Therefore, fundamental to the design of this route is the proposed/extent of vehicular movements.
- 3.4 The Panel noted that the design of the spaces between the buildings and the interface with the edges is a key part of the design which is still has to be addressed. The Panel recognised an opportunity to use the levels and create spaces which are playful, a human scale and permeable. It was also considered important that the ground floor of the buildings addressed these spaces and routes are did not present blank/ non active facades.
- 3.5 It is unclear at this stage if the spaces between the buildings are public or private. The Panel noted that this decision will influence the design and therefore should be considered as soon as possible.

4 Transportation

- 4.1 The Panel noted that the site is well connected to public transport. It was noted that a tram route is proposed on Ocean Drive.

5 Uses

- 5.1 The Panel was supportive of the aim to provide different uses at ground floor. However, were not convinced that retail uses would be successful in this location.
- 5.2 It was suggested that other uses could be considered for the site perhaps in response to who may be living there and or how they will live in the place.

6 Affordable Housing

- 6.1 The Panel was supportive of the inclusion of affordable housing on the site. They encouraged a tenure blind approach including the car parking for these units.

7 Materials

- 7.1 The Panel supported the use of high quality brick for this site and the importance of good detailing given the exposed conditions.

Affordable Housing - (16 Oct 2018)

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

- 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.
- This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

Affordable Housing Provision

This application is for a development consisting of 245 homes and as such the AHP will apply. The applicant has stated that the affordable housing will account for 61.25 (25%) of the new homes, with the onsite delivery being provided by Port of Leith HA.

The development consists of four new build apartment blocks. The proposed affordable housing is a mix of 50 affordable rented homes delivered by Port of Leith HA in a single block located in the North West of the site. The remaining 11.25 units will be delivered by golden share housing and should that not be possible, by payment of a commuted sum.

In discussions with the developers, a request was made for all 61 homes to be provided on site by a housing association. The full 25% provision by an RSL has not been possible for the following reasons:

The developer has put forward a case that this project is close to being unviable. Costs have been agreed with the RSL on the basis of a five storey building. Additional units within this block would mean an increase in height (over 18 metres) and at this height the technical standards become more onerous to comply with. Mainly due to the additional costs required for fire safety measures for any block over 18 metres (6 floors); these measures include, sprinklers, enhanced building materials and lifts and likely requirement for two escape stairs

POLHA and other RSLs seek consolidation of ownership within a single block as this allows them to be able to meet their obligations to tenants to organise repairs and maintenance of their homes. If the affordable provision was split between the block of 50 and another stairwell, this would have not been taken on by POLHA (or other RSLs). Port of Leith have confirmed their stance on this.

Due to these financial viability reasons we would support the provision to be made for 50 units by and RSL, with the balance coming forward as Golden Share. The developer has noted the properties have not been valued to date, therefore, the 11 golden share homes will be assessed by a valuer closer to the time of construction. If they fall within an affordable parameters, then this tenure will be secured for the 11 units. Should they fail to meet this criteria, then a commuted sum will be secured.

The methodology for calculating commuted sums is set out in the Council's Affordable Housing Policy Guidance, and in Scottish Government Planning Advice Note PAN 2/2010.

The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.

Summary

The applicant has made a commitment to provide 25% on site affordable housing, and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

- Port of Leith HA are in support of the development and have shown their support for it.
- The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site.
- All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards
- In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as “tenure blind”.
- The balance of 11 units will be delivered as Golden Share, should they meet the criteria
- Failing that, a commuted sum will be secured
- The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Archaeology – updated 25 July 2018

As discussed although the listed dock wall will not now be built over which is good, this important structure will still form part of the landscaping/public realm for the development. As such it will need to be protected/conserved as part of it and therefore considered under Policy DES 3. Accordingly suggest changing foundation within my suggested condition to landscaping/public realm to ensure that this takes place.

Archaeology – 9 March 2018

Further to your consultation request, I would like to make the following comments and recommendations concerning the above application for residential development of 237 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping.

The site occurs at the heart of the historic docks at Leith. A detailed history is contained within AOC's DBA accompanying this application (report 21426) however in summary the site forms part of the Victorian expansion of the port and incorporates the entrance to the B-listed Victoria Dock, the site of a series of 19th century harbour walls and slip ways, warehousing, associated dock buildings, infrastructure and a historic 19th century timber jetty. Given the site's development history the site may have been spared significant dredging activities and as such may contain evidence for buried landscapes dating back to the last Ice Age.

As such the site, has been identified as occurring within an area of archaeological and historic significance both in terms of Leith's and Edinburgh's Maritime heritage. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies DES 3, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Victoria Dock Entrance Walls

As stated the site contains the entrance to the B-listed Victoria Docks. It is essential that this listed dock wall is preserved in situ and as part of the development in accordance with CEC Policies ENV4, ENV8 (b) & ENV9 (b). It is recommended that the following condition is attached to consent to ensure the implementation of this outline strategy to enable the protection and preservation of these w:

'No development shall take place on the site until detailed foundation designs and an archaeological mitigation strategy to ensure the preservation and conservation of the Victoria Dock Entrance walls have been submitted for approval by the Planning Authority. The works shall be implemented in accordance with the approved details.'

19th Century Timber Jetty

The development will require the removal of the surviving wooden jetty which may date back to the second half of the 19th century. Such a loss would be considered as having a significant adverse archaeological impact. However given the condition of this historic timber jetty such an impact in this case could be seen as acceptable provided that a detailed archaeological survey is undertaken prior to and during development. This is to ensure that a permanent record is undertaken of this locally significant industrial maritime structure is undertaken.

Buried Archaeology

As stated the site contains the potentially significant remains associated with the 19th and 20th century expansion and development of Leith's Port, with the potential for containing important earlier environmental deposits dating back to early prehistory. The proposals will require significant ground breaking works in regards to the construction. It is therefore essential that if consent is granted for this scheme that an archaeological programme of works is undertaken prior to and during development. This is to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken.

Interpretation: Landscape/Public Realm

As stated the site contains the potentially listed entrance to the mid-19th century Victoria Docks. The proposed landscaping design will see the reaction of a timber broad-walk around the dock edge. However the submitted drawings appear to show this design overlying the historic dock walls which would be contra to general development principals as set out in DES3 which seeks to incorporate and enhance the areas important historic features. Accordingly this aspect **may be considered contra to CEC Policy DES 3**. It is recommended therefor that this aspect of the public realm is looked at in detail and that detailed plans are submitted that will aim to address this.

In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;

'No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, paleo-environmental sampling, analysis, reporting, publication, interpretation) 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.

Children and Families – (11 October 2018)

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 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 finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

190 Flats (55 one bedroom flats and studios excluded)

This site falls within Sub-Area LT-2 of the '*Leith Trinity 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 and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£711,930

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.

Total land contribution required:

£41,990

Note – no indexation to be applied to land contribution.

Environmental Assessment – (16 October 2018)

The application proposes a residential development consisting of 245 residential apartments over 4 buildings with varying heights from 7 to 13 storey blocks providing a mixture of accommodation as well as associated infrastructure including 154 under-croft style car parking spaces.

In terms of the development plan, the Edinburgh City Local Plan (2010) had allocated the development site for mixed use development comprising of mainly business/retail and leisure. Although it is noted that this site wasn't specifically included within the highlighted area. The current LDP states that the Central Leith Waterfront (EW1b) Area should be of commercial and residential led mixed-use development. Forth Ports Ltd has decided to retain land at the Britannia Quay and south of Edinburgh Dock for port related use, and therefore a modified approach to the development of this area from what is included in the Leith Docks Development Framework (2005) is required. LDP recognises the need for mixed use regeneration of Central Leith Waterfront. It will provide a significant number of new homes however it is noted that the neighbouring site (16/03684/FUL) has consent for a residential led development when the LDP proposed a commercial-led mixed use would be more appropriate. One of the key development principles is designing new housing to mitigate significant adverse impacts on residential amenity from existing or new general industrial development.

To the south of the site, there is a large office block used by the Scottish Government (Victoria Quay). There is currently an open area of land topped with red ash to the southwest. A busy road, Ocean Drive, separates the sites. It is understood that planning permission has been granted for this site to be developed as a residential led development. It should be noted that Environmental Protection did not support that proposed development (16/03684/FUL). This proposed development site itself lies within an extensive area of land which was given over to port and industrial activities. Over the years some of these uses have declined considerably leaving the area of vacant brownfield land with an intensification of port activities occurring in the main port. This proposed development site is directly adjacent to the Port to the north and east with another large office block located to the west. Further to the west of the site and Ocean Drive is the Ocean Terminal shopping centre. The development site is in close proximity to two air quality management areas (AQMA), Great Junction Street (transport related pollution) and the Salamander Street AQMA (fugitive and other pollution sources).

The site has a direct line of sight across to the port. The site is near to the National Cycle Network and core path network, providing a direct link (on and off road) with the city centre and the main rail and bus stations.

The site is currently well served by existing bus services operated by Lothian Buses. The applicant has advised that car parking is provided in line with the council's standards. This sets out minimum and maximum standards with which the new development complies. The development is well located to take advantage of local amenities and public transport network and proposes 300 cycle parking on the ground floor of the buildings. Vehicle parking is located away from the public realm and in many cases beneath landscaped decks to help mitigate impact of cars. The applicant will be required to provide a minimum of 26 (7Kw type two) electric vehicle charging points as required in the Edinburgh Design Standards.

Environmental Protection have previously raised concerns regarding noise and local air quality for other nearby residential developments. The applicant has therefore engaged with Environmental Protection at an early stage to ensure all the required information and data is submitted with the detailed application. The applicant has now submitted a noise impact assessment and after 3 months of onsite monitoring an air quality impact assessment has also been submitted to support the application.

Local Air Quality

As the site is in close proximity to two AQMAs the applicant has carried out onsite monitoring for particulate matter. Elevated levels of this pollutant have been the reason an AQMA has been declared to the east of the development site in January 2017. Fugitive emissions from the handling and storage of open material at Leith Docks, was found to be a contributory factor in the elevated concentrations. This AQMA does not cover the applicants proposed development site as there were no sensitive receptors proposed for this site at the time the city-wide survey for Particulate Matter was undertaken. The applicant has done Particulate monitoring on-site between 27th February and 7th June 2018 using a continuous automatic air quality monitor. Wind speed and direction were also recorded at the monitoring station with a time lapse camera capturing activities in the surrounding area.

The main reason Environmental Protection requested monitoring was due to concerns that fugitive emissions thought to be from the port may lead to non-compliance with the air quality objectives for Particulate Matter 10 micrometres or less in diameter (PM10).

Particulate Matter is measured in many different size fractions according to diameter. Most monitoring is currently focussed on PM₁₀, but the finer fractions such as PM_{2.5} and PM₁ are becoming of increasing interest in terms of health effects. Fine particles can be carried deep into the lungs where they can cause inflammation and a worsening of the condition of people with heart and lung diseases. In addition, they may carry surface-absorbed carcinogenic compounds into the lungs.

Local authorities must assess PM10 concentrations against the 18ug/m³ annual average objective hence the assessment considered whether the PM10 Objective levels would be breached.

The survey period included periods of severe weather and should represent a worst-case scenario, however the measured average over the ~100 days of the survey are unlikely to be fully representative of the annual mean.

The monitoring period of three months meets minimum standards but it is difficult to provide a robust understanding of the annual concentrations. The data therefore, must undergo a process of '*annualisation*', and although some of it is described as such, it has not been undertaken in accordance with the appropriate technical guidance (LAQM Technical Guidance 16).

Some comparison is made with 'annualisation' factors for a different year period (2017) to the monitoring. However, this is not acceptable. It has also been noted that some of the 2017 annual mean data used in the model are incorrect.

Overall PM10 data in the report has been assessed against a proposed air quality objective of 20µg/m³, whereas the current objective in Scotland is 18µg/m³. Note average recorded PM10 level was 19µg/m³ which is in breach of the objective levels and would likely require the AQMA to be extended if the proposed development is built out. It is noted that the elevated levels have been generated when there is an offshore wind. This is the prevailing wind direction therefore exceedances would be likely.

Additionally, it is noted that the applicant describes how the results of the Council's own detailed assessment for PM10 "indicates that the proposed development is out with the zone where emissions from the port are at risk of exceeding the PM10 objectives". It should be noted that the detailed assessment work was assessing levels in respect to existing residential exposure and that there is none near the proposed development site. Additionally, model verification that was undertaken for the Council's assessment work used data from the Salamander Street monitoring station and therefore the accuracy of the model in respect to the impact further away from Salamander Street is lower. Therefore, the developer was required to undertake monitoring.

In conclusion, the data indicates that future residential properties could be exposed to unacceptable levels of particle pollution in excess of the Scottish Objective level.

There is a risk that should residential properties be developed in the area; the Council would be obliged to monitor and assess the levels in accordance with government standards. If objectives are breached an AQMA would have to be declared and thereafter a process of Action Planning with stakeholders would have to be undertaken, to try to ensure concentrations are reduced.

Environmental Protection are therefore concerned with the PM10 levels impacting this site, it is recognised mitigation options are limited to deal with this pollutant within the proposed development site. The applicant proposes no mitigation measures. Environmental Protection would recommend refusal on this issue alone.

It should be noted that Environmental Health Officers have investigated seventeen dust complaints due to thick dust clouds being generated by the off-loading of aggregates from vessels on the Port. SEPA may hold further details on these incidents. There are several operational cement batching plants in the Port which are regulated by the Scottish Environmental Protection Agency (SEPA) under the Pollution Prevention and Control regime (PPC). It is also noted that SEPA have raised concerns with this proposed application on the ground of local air quality impacts which is a material planning consideration.

Another issue is the possible impacts the proposed developments traffic will have on the other existing AQMA declared for Nitrogen Dioxide (NO₂) a transport related pollutant. The applicant has not submitted an air quality impact assessment to predict the impacts this proposed development may have on the nearby AQMA for Nitrogen Dioxide (NO₂).

The scale of the proposed development's parking provision is therefore problematic. There is the potential for adverse traffic impacts, as a result of the development, on the nearby AQMA which has been declared for Nitrogen Dioxide. The main source of this pollution is traffic generated and this site will introduce a significant number of vehicles onto the network. The neighbouring committed development has consent for 374 parking spaces which is excessive for a site that is well served by public transport, is well located in terms of leisure and employment. It is also noted that existing neighbouring cars parks are underutilised. The applicant has not fully considered the full range of mitigation measures open to them. We would normally encourage developers to work with Environmental Protection to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;

1. Keep car parking levels to minimum.
2. Car Club facilities (electric and/or low emission vehicles).
3. Provision of (100%) electric vehicle charging facilities.
4. Public transport incentives for residents.
5. Improved cycle/pedestrian facilities and links.

Environmental Protection has concerns regarding residential use on this site. This site is located adjacent to the some of the likely sources of the pollutants and will introduce new residential properties into an area which may exceed the statutory objective levels for PM₁₀. In addition, there has been no assessment on the potential transport impacts and therefore it is not possible to assume no adverse impacts.

Port noise

The proposed site is adjacent to an existing port and commercial activities. Noise from the port has the potential to adversely affect residential amenity, particularly from shipping operations at night.

The noise impact assessment has correctly concluded that port activity has the potential to have a significant adverse impact at the nearest residential receptors within the proposed development. The noise impact assessment demonstrates that rooms with windows on the most exposed elevation would not comply with the required noise criteria allowing for the open windows. Outdoor amenity space including terraced areas will also fail to meet the required noise criteria.

The noise impact assessment for the port activities has been modelled with road noise deducted from the measurements. The assessment has highlighted that the main sources of noise from the port was recorded during the daytime when there was increased port activity. The measured baseline levels included activities such as sandblasting associated with ship maintenance operations and bulk material being handled. It is noted that there are no restrictions on the port and port activities which may be carried out during night-time hours and much closer to the proposed development site.

The applicants suggested mitigation for port noise is the same as that proposed for transport noise. This would be in the form of acoustic glazing and MVHR. However, Environmental Protection have the same concerns as raised with the proposed transport mitigation measures as no detail has been provided. Furthermore, Environmental Protection require internal noise levels to be achieved with open windows when the source of the noise is from industrial port operations.

Therefore, Environmental Protection would recommend the application is refused on the grounds of noise impacts alone.

Traffic Noise

The site is near a large commercial development (Ocean Terminal) which includes retail outlets, restaurants and cinemas. Road traffic on adjacent roads also has the potential to adversely affect residential amenity.

Road Traffic Noise levels inside the proposed dwellings have been calculated in accordance with the required criteria. Noise levels within the worst affected dwellings, based on the most exposed elevation, will require acoustic insulation with trickle vents to comply with the required noise standards. All windows with a direct view of Ocean Drive would need to be fitted with glazing with a minimum sound reduction index of 50 dB Rw and a whole-house mechanical ventilation heat recovery (MVHR) system.

The required noise reduction levels for transport noise is significant, the required glazing units will need to be substantial. Environmental Protection would need to condition such mitigation measures and would therefore require the specific details on the glazing units required for each affected habitable room. This detailed acoustic glazing information has not been provided. Environmental Protection have the same issues with the proposed MVHR as no details have been provided. Furthermore, Environmental Protection would raise concerns with the use of MVHR especially in an area that is located on a site with elevated PM10 levels as it would be difficult to locate the inlet to ensure pollutants did not enter the habitable rooms. The proposed MVHR systems would require regular maintenance and this is not something that can be controlled by a planning condition.

Additionally, noise from the road traffic has been predicted at near ground level across the development for external amenity levels. External noise levels from road traffic noise are predicted to significantly exceed the World Health Organisations Community Noise Guideline levels for external amenity space on most elevations.

In line with The Environmental Noise (Scotland) Regulations 2006, a Noise Management Area was declared on Lindsay Road at Portland Street relating to transportation noise and residential receptors. This development will also add to the number of residential receptors as well as potentially increasing the transportation noise in the area.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Recommendations

In conclusion, Environmental Protection recommend the application is refused. This is due to the potential noise impacts the Port and traffic noise may have on the development site. The car parking numbers are excessive and will potentially adversely contribute towards impacts on the nearby AQMAs. It is likely that if the site is developed out that Planning would need to declare the area the as an AQMA for PM10 levels.

Therefore, overall Environmental Protection recommends that this application is refused.

Roads Authority – 17 October 2018

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

1. Due to the potential impact on the Edinburgh Tram the proposed loading and servicing layby on Ocean Drive is not approved. Policy Tra7 of the Edinburgh LDP is relevant. (See Note 4 for further information);

2. Contribute the sum of £462,548 to relevant transport actions from the Edinburgh LDP Action Programme 2018. The sum to be indexed as appropriate and the use period to be 10 years from date of payment, (see Note 5 for further information);
3. Contribute the sum of £369,000 (based on 245 residential units in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
4. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
5. 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;
6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
7. The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;
8. 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;
9. 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;
10. 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;
11. 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;

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:
 - a. A maximum of 245 car parking spaces, 154 unallocated car parking spaces are proposed;
 - b. Where 10+ car parking spaces are being provided 1 in 6 should be equipped for Electric Vehicle charging, this would require 26 spaces, 28 are proposed;
 - c. Where 10+ car parking spaces are being provided 8% should be designated as accessible, this would require 12 spaces, 13 accessible spaces are proposed;
 - d. A minimum of 523 cycle parking spaces, 336 cycle parking spaces are proposed;
 - e. A minimum of 9 motorcycle parking spaces, 11 spaces are proposed;
2. The justification for this level of car parking is based on 2011 census data relating to overnight car parking and the proposed trip rates. This information is combined and used to forecast the occupancy levels of the car park throughout a 24hr period. Using this forecast the maximum occupancy of the car park is predicted at 142 spaces. The additional spaces are justified by the limited availability of on street parking in this area and attempting to limit any potential parking overspill onto the surrounding streetscape. This level of parking is also justified by the availability of local services and employment in the surrounding area, as well as highlighting that this site is well connected in terms of public transport, which could be further improved through the delivery of the Tram Line Completion Project.
3. The justification around the reduced level of cycle parking relates to the City of Edinburgh Council's 2020 cycle mode share target of 20% combined with the average occupancy level of 2.5 people per dwelling, the applicant equates this to a demand of 120 cycle parking spaces. It also highlights the by the availability of local services and employment in the surrounding area, as well as this site being well connected in terms of public transport. The 336 proposed cycle parking spaces will be high density two tier racks that will be in communal stores located within the block cores. Consideration has been given to the justification and a relaxation of the minimum standard is considered acceptable due to all the proposed cycle parking being communal.
4. The proposed loading and servicing layby has raised significant concerns from the City Of Edinburgh Councils Public Transport Team and the Tram Operator - Edinburgh Trams, as any misuse of the layby or undisciplined parking by users could result in parked vehicles obstructing the proposed tram line and causing a delay to the Tram. Whilst it is understood that the implementation of both this development and the proposed Tram Line Completion would increase the requirement for parking enforcement in this area the proposed layby is considered to introduce a potential conflict point that could require an unreasonable amount of Officers time to enforce properly. Also it needs to be considered that Ocean Drive has been identified in the Active Travel Action Plan 2016 as a longer term proposal for dedicated cycle infrastructure that will form part of the Quiet Route Network. Whilst no there is no particular detail for this route at this time the north side of Ocean Drive has been identified as ideal position for this cycle route due to the technical requirements to the east of the site. The proposal for a layby may prejudice this proposed cycle route;
5. The transport contributions have been calculated by the following:
(Total cost of identified actions / Estimated total housing capacity of Leith Waterfront and Central Waterfront, including Salamander Place, as per LDP) x number of proposed units
The identified transport actions and total cost are as follows:
 - a. The Water of Leith Cycle Route (Commercial Street to Warriston): Total action cost - £637,000

b. West end of Victoria Quay building to Water of Leith Cycle Route via Citadel:
Total action cost - £306,250

c. Ocean Drive Eastwards Extension: Total action cost - £12,678,750

(£13,631,000 / 7220) * 245 = £462,548

6. A RCC application will need to be made in relation to this development with all road, footways, footpaths, accesses, cycle tracks, verges and service strips built to an adoptable standard. The issue of maintenance liability can be agreed during this process. This is to ensure that the public will have a right of passage over the certain areas of this site in particular the section of the Edinburgh Promenade.

TRAMS - Important Note:

The proposed site is on or adjacent to the proposed Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way

<http://edinburghtrams.com/community/working-around-trams>

Flooding – (27 July 2018)

No objections

Scottish Natural Heritage - (further comments dated 26 November 2018)

I have checked our initial response to this development and the only point we raised was regarding otters, which has been answered by the survey and mitigation discussed below. We are satisfied with this, therefore we have no further comment in relation to this development.

Scottish Natural Heritage – 14 August 2018

Thank you for sending these documents through, I have discussed these with our licencing advisor, and can confirm that the information provided is sufficient to answer the point raised in our response letter for 18/00846/FUL, with the following advice:

- Depending on the length of time it takes to rebuild the quay wall (18/00186/FUL) and if there is a break in between work finishing and beginning on the residential development, it may be necessary to carry out an update survey, as surveys are only valid for 18 months.
- The protection plan produced for the quay wall does not mention the residential development, however the mitigation specified could be slightly updated to incorporate the construction work, as the General Mitigation (2.3) would be the same – ‘construction work for the residential development’ could be added within the Specific Mitigation, section 2.4.

Scottish Water – (7 March 2018)

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

There is currently sufficient capacity in the Marchbank 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.

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.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Next Steps:

Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish

Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish

Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at

www.resourceefficientscotland.com

SEPA – (Further Comments 13 August 2018)

Our objection is now withdrawn – please note the advice below.

We welcome clarification over the points made in regards to the assessment of PM10 concentrations on the development site. The council should be satisfied that sufficient information is now available to determine that air quality objectives for particulates (PM) are being met and that no mitigation is required.

The monitoring indicates that the docks are not the primary source of PM10 in the area and that diffuse pollution from the city is likely the primary contributor. We agree with this, however, the short term monitoring period and severe weather conditions may not give an accurate indication of pollution concentrations on the development site. The Council's Environmental Health section should be consulted on this matter as further assessment may be required.

Annualisation of the data using 2017 data would appear to indicate that the PM objectives will be met. This annualisation should be repeated using 2018 data in line with LAQM TG16 guidance at the end of the year. Results should be reported to the council.

When determining this application the council should be aware that exceedances of the PM objectives after the introduction of residential receptors will lead to the need to declare an Air Quality Management Area (AQMA). If planning permission is granted, SEPA anticipate that the council will need to consider this receptor in their annual review and assessment of air quality under the LAQM regime.

SEPA Comment dated – 20 March 2018

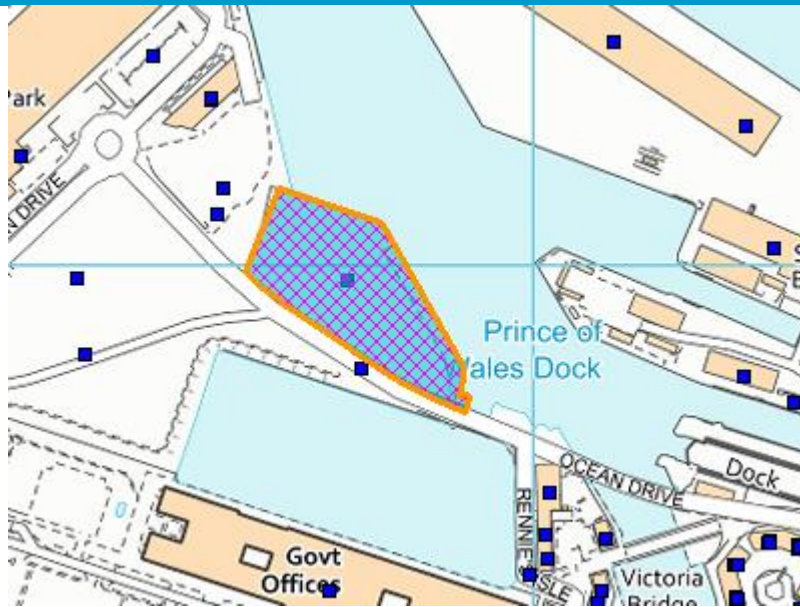
We **object** to this planning application on the grounds of a lack of information relating to air quality. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

Air Quality

- 1.1 The development is within close proximity to two Air Quality Management Areas (AQMAs). These being the Great Junction St AQMA and Salamander St AQMA. The first being declared for NO₂ and the second for PM₁₀. The proposed development for 237 flats, with a commercial unit and car parking could lead to increased concentrations of air pollutants during both the construction phase (dust) and operational phase (traffic emissions). The introduction of new receptors to an area of existing poor air quality is also of concern due to the site location.

- 1.2 Considering the above, an Air Quality Impact Assessment utilising air dispersion modelling should be submitted as part of the planning application for this development. The scope of the assessment should be agreed with the City of Edinburgh Council and follow the guidelines in LAQM TG (S) 16. SEPA advises that the assessment should consider the impacts of the construction and operational phases of the development on local air quality. Committed development should also be included in the assessment where possible. Details of assessing cumulative impacts are given in to EPUK and IAQM guidance; Land Use Planning and Development Control Planning for Air Quality
- 1.3 The assessment should demonstrate that there will be no exceedances of the statutory air quality objectives as a result of the development. The assessment should also demonstrate that air quality objectives are not being exceeded on the development site itself. If exceedances are identified, suitable mitigation measures should be clearly outlined.
- 1.4 SEPA is pleased to note that the City of Edinburgh Council's Environmental Assessment Services, have requested monitoring of PM₁₀ concentrations on the development site for a period of 3 months to ascertain background levels. The data collected will be a useful indication of existing concentrations on the development site. The monitoring report, including data analysis in line with LAQM TG (S) 16 guidelines should be submitted as part of the planning application.
- 1.5 With regards to the summary of particulate monitoring at Victoria Quay from November 2016 - March 2017 (35m south of the development site). The concentrations recorded for both PM₁₀ and PM_{2.5} could be considered close to the annual mean objectives for these pollutants. In Scotland, the annual mean PM₁₀ average should be below 18µg/m³ and the annual PM_{2.5} average should be below 10µg/m³. The average measured concentrations at Victoria Quay were 16µg/m³ and 8µg/m³ for PM₁₀ and PM_{2.5} respectively. The short monitoring period, means it is not possible to say whether the annual mean objectives are being met, without annualisation of the data or 12 months of continuous monitoring.
- 1.6 On site energy production is also being considered for this development. If CHP is deemed a viable solution then an assessment of pollution impacts, including air quality should be submitted at the detailed design stage. As stated in the energy strategy, SEPA support that biomass fuelled systems are not suitable for this site given concern over particulate and NO_x pollution.

Location Plan



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