

# Development Management Sub Committee

Wednesday 19 June 2019

## Application for Planning Permission 18/03994/FUL

At Site 56 Metres Southeast of 73, Duddingston Row,  
Edinburgh.

Erection of 40 residential units, comprising 30 flats, 2  
houses and 8 maisonettes, along with associated parking,  
pedestrian paths, amenity space and soft landscaping.

Item number	4.3
Report number	
Wards	B17 - Portobello/Craigmillar

## Summary

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The proposal is acceptable in principle. It is in-keeping with the character of the area and provides adequate levels of amenity. There is no adverse impact to road safety. The proposal accords with relevant development plan policy and non-statutory guidance. There are no material considerations which outweigh this conclusion.

## Links

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### [Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES04, LDES05, LDES06, LDES08, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, NSG, NSGD02, PLDP07,

# Report

## **Application for Planning Permission 18/03994/FUL At Site 56 Metres Southeast of 73, Duddingston Row, Edinburgh Erection of 40 residential units, comprising 30 flats, 2 houses and 8 maisonettes, along with associated parking, pedestrian paths, amenity space and soft landscaping.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is located on the north east side of Duddingston Row and to the north of Bingham Avenue. It is approximately 5678 square metres in area.

The site is currently vacant. Trees line the site along the Duddingston Row and Bingham Avenue frontage.

The Bingham Community Centre is located to the north east of the site and Bingham Park to the north west. The area to the west, south and east can be characterised as predominately residential.

#### **2.2 Site History**

There is no relevant planning history for this site.

Land to north

23 November 2011 - Erection of a new single storey respite care centre on the site of the former Lismore Primary School (as amended) (Planning application 11/03032/FUL).

### **Main report**

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#### **3.1 Description of the Proposal**

The proposal is for the development of 40 affordable residential units arranged in four blocks. Each block comprises the following:

##### **Block One**

This block fronts Duddingston Row and is proposed to be two storeys in height with a pitched roof. It is proposed that the flats are finished in facing brick with a metal roof.

There are two flats with one bedroom, two flats with two bedrooms and two houses with two bedrooms. Each of the residential units has private amenity ground to the rear. Six car parking spaces are proposed to the front of this block.

## **Block Two**

This block sits on the corner of Duddingston Row and Bingham Avenue and comprises a three storey block of flatted dwellings. The block is proposed to be finished in facing brick, with a flat roof.

There is a total of 18 flats proposed, comprising 14 flats with one bedroom and four flats with two bedrooms. The block is accessed via three internal stairwells. An area of communal garden ground is located to the rear of the residential block with access via a pedestrian link from both Duddingston Row and Bingham Avenue and each internal stairwell.

## **Blocks Three and Four**

These blocks are a matching pair of three-storey flats fronting Bingham Avenue. Across these two blocks there are eight flats with one bedroom, all located at ground floor level, and eight flats with two bedrooms arranged in a maisonette format on the upper levels. Each of the units has private amenity space located to the front and rear of the block.

All the blocks are proposed to be finished in a light multi-tonal brick. The window frames will be finished in grey with a bronze hue. The balustrades would be finished in galvanised steel to match the windows. The roofs will be grey seam metal.

In terms of amenity space, there is a large area of communal amenity space provided in the northern corner of the site.

Bins stores are proposed to be located at the gable end of blocks 2, 3 and 4. Block 1 has a bin storage area for each unit within the front setback adjacent to the driveways.

Parking is provided for Block 1 within the curtilage of the units, and there is an additional nine spaces proposed along Bingham Avenue.

An enclosed bike shelter is proposed to be located to the south of the shared amenity space.

The proposal includes the removal of 24 trees within the site boundary, including eight Swedish Whitebeam. Five Ulmus "New Horizon" trees are proposed to be located along Bingham Avenue with four Crataegus Monogyna "Stricta" along Duddingston Row. Hedging is also proposed to provide a buffer between the pavement and garden space.

## **Amended Scheme**

The proposal was amended to change the boundary treatments along the front elevation and the landscaping strategy.

## Supporting Documents

- Design and Access Statement;
- Transport Assessment;
- Tree Report;
- Sustainability Statement.

These documents can be viewed on Planning and Building Standards Online Service.

### 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 to the site;
- c) the proposal has an impact on the amenity of the area;
- 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) The Principle of Development**

Local Development Plan (LDP) Policy Hou 1 (Housing Development) seeks to deliver housing and relevant infrastructure on suitable sites in the urban area. The application

site is a vacant brownfield site located within the urban area of Bingham. The surrounding area is characterised by a mix of housing types and architectural styles with the Seaview Respite Centre and Bingham Park to the north. The proposal would complement the housing mix through the provision of additional residential units of varying sizes. Furthermore, the proposal would provide an additional 40 residential units towards meeting the identified housing needs in Edinburgh.

The small area of open space in the northern part of the site is being reprovided in the form of new amenity space.

Based on the above, the principle of the proposal accords with LDP Policy Hou 1 and residential development in this location is supported.

### **b) Scale, Layout and Design**

LDP Policy Des 1 (Design Quality and Context) seeks to ensure that development will create or contribute towards a sense of place. Furthermore, it stipulates that the design concept should draw upon the positive characteristics of the surrounding area.

LDP Policy Des 4 (Development Design) requires that new development has a positive impact on its surroundings having regard to height and form; scale and proportions; and materials and detailing.

The proposal comprises four blocks of different building types. It includes a mix of three storey flatted dwellings and two storey dwellings and flats. Block 2 is designed to have a flat roof, while Block 1 would have a pitched roof and Blocks 3 and 4 would have a mansard roof with dormers. The surrounding area comprises a mix of housing types and architectural styles, including terraced dwellings, flats and detached bungalows. Given this mix, the proposal will complement the character of the surrounding area. Concerns have been raised through the representations regarding whether flatted dwellings are appropriate in this location. However, given the relatively low density nature of the proposal and the presence of other examples of flatted dwellings within the immediate surrounding area, the proposal will not be out of character.

In terms of building materials, there are examples of a range of material finishes in the surrounding area. All four blocks would be finished in a similar palette of materials to ensure cohesion across the site. Notwithstanding the above, a condition is proposed requiring that building material details are submitted for approval prior to the commencement of works. This will ensure an appropriate finish that will not detract from the character of the surrounding area.

In terms of site layout, the blocks have been positioned to follow the building line along Duddingston Row. The units fronting Bingham Avenue have been set slightly further back to allow for amenity space within the front setback. The proposal is separated from the Seaview Respite Centre to the north by communal and private gardens. This setback provides a privacy buffer between the two developments.

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 flats and houses. The Edinburgh Design Guidance recommends that development proposals provide at least 20% family accommodation. While the proposal does not meet this requirement, with only two units being of three bedroom or more, the proposal as a whole is for affordable housing and as such responds to the market needs. Furthermore, the affordable housing team has offered no objection to the housing mix proposed in this location and as such, this is acceptable in this instance. As the council is applicant, a memorandum of understanding is required (as opposed to a legal agreement) in order to secure the policy requirement of 25% of housing units being affordable.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires that development makes adequate provision for green space to meet the needs of future residents. Flatted developments should have 10 square metres per flat of private open space and a minimum 20% of the overall site area should be useable open space. Blocks 1, 3 and 4 all have private amenity space either to the front or rear of the development. It is noted that the layout of the gardens is varied so the requirement for a three metre depth is not technically complied with, but they do exceed this requirement in width. Communal amenity space, proposed for block two exceeds the requirements of the design guidance at approximately 312 square metres. Furthermore, the proposal includes a community garden area to the north of the site measuring approximately 930 square metres. The community garden includes natural play equipment and garden seating. The overall useable greenspace within the site would exceed the 20% requirement of LDP Policy Hou 3.

A landscape plan was submitted with the application. The proposed planting is of a simple design, with appropriate species choices. Within this context and taking account of the character of the wider area, the extent of landscaping is acceptable and appropriate. A schedule of planting implementation was not included in the application, and a condition has been attached requiring that the landscape scheme is implemented within a specified period following completion of the development.

The application includes a plan showing the proposed fencing and boundary treatment within the site. The amended scheme proposes a 600mm brick wall with galvanised steel balustrading along the front elevation of the proposal. This provides an element of privacy to the garden ground, yet at the same time ensuring that the development is open to the street and provides an active frontage. A 1.8 metre boundary treatment is proposed along the interface between the application site and the Seaview Respite Centre. Given this sensitive interface, a condition is proposed requiring the submission of details of the boundary treatment including elevation plans to ensure the finish is appropriate.

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

### **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. Elements of this are assessed below.

## **Internal Space Standards**

In terms of internal space standards, all 40 units comply with the minimum standards set out in the Edinburgh Design Guidance.

## **Privacy, Daylight and Sunlight**

The Edinburgh Design Guidance sets out the requirements for new development in terms of impact on privacy, daylight and sunlight.

In terms of the impact that the development would have on daylight to existing buildings, given the orientation of the proposed blocks and the separation between the proposed and existing residential development on the opposite side of Duddingston Row and Bingham Avenue, the proposal would not impact on daylight to the residential properties opposite. It is noted the guidance does not protect gable end windows.

In terms of daylight to new windows, the majority of the units are dual aspect or have been orientated to have south-facing living areas to maximise daylight.

In terms of the impact of sunlight on amenity space, the Edinburgh Design Guidance requires that at least half of garden or amenity space receives at least 3 hours of sunlight at the spring equinox (21st March). It is acknowledged that the rear gardens of blocks two, three and four would not meet the standards specified in the Edinburgh Design Guidance. The applicant submitted additional information regarding sunlight, and while the sunpath analysis shows that limited sunlight would reach these gardens during the spring equinox, the owners/occupiers of the proposed residential units would have access to the communal gardens to the rear of the proposal, which exceed this requirement. Therefore, on balance, the infringement to the Edinburgh Design Guidance is acceptable in this instance as owners/occupiers would have access to an area of open space with adequate sunlight during the spring equinox

Overall, the proposal would not have an unreasonable impact on daylight or sunlight in accordance with the standards outlined in the Edinburgh Design Guidance.

## **Privacy**

Privacy is afforded to all occupiers of the new development and to neighbouring properties at the adjacent sites. Guidance requires that new windows are located at least 18 metres from an existing window to prevent any unreasonable overlooking. It is noted that gable end windows are not protected. The proposed window on the north elevation of Block 1 that would face 73 Duddingston Row is from an internal hallway and therefore should not have an unreasonable impact on the privacy of the adjacent property. Overall, the proposal would comply with this requirement.

## **Amenities**

The proposal includes separate bin stores associated with each block of flats. The bin stores are to be located at gable ends of the flats and would meet the relevant capacity requirements. Concerns have been raised regarding the location of the bin stores, however the refuse strategy has been reviewed by the Council Waste Team who have agreed that refuse provision is adequate and in accordance the relevant guidance.

#### **d) Parking, Access and Road Safety**

Transport information has been submitted as part of the application which provides a detailed assessment of the transport considerations associated with the proposal.

##### **Access**

The residential units are accessed via Duddingston Row and Bingham Avenue and there is no vehicular access internally within the site.

Pedestrian links are provided through the site from both Bingham Avenue and Duddingston Row to the area of public open space to the north and between each of the blocks.

##### **Parking**

In terms of parking provision, 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 Edinburgh Design Guidance stipulates that for the 40 units proposed, up to 52 off-street car parking spaces can be provided. The development proposes nine spaces on-street by re-aligning the carriageway along Bingham Avenue and six off-street spaces for Block 1. Given the availability of parking within the area, the proposed parking levels are acceptable and no concerns have been raised by the Roads Authority.

It is noted that no electric charging facilities are proposed at this stage. However, an informative is recommended, requiring that the applicant consider infrastructure within the development that would facilitate future provision should it be required.

Two disabled spaces are proposed to be provided along Bingham Avenue in accordance with 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 Edinburgh Design Guidance requires that at least 88 cycle spaces be provided on site. The applicant has advised that adequate space is provided within the properties that have private gardens to accommodate two bikes per unit. This accounts for Blocks 1, 3 and 4. A separate cycle store has been provided to the rear of the garden ground of Block 2. This would have capacity to accommodate 36 bikes based on one Sheffield stand per two bikes. This ratio is acceptable within this location and a condition is recommended that requires details of the bike store to be submitted to and approved by the Planning Authority.

Overall, the proposal is acceptable in terms of LDP Policies Tra 2 and Tra 3.



### **e) Sustainability**

The applicant has submitted a sustainability statement in support of the application. The proposed development will meet the requirements of Section 6 (energy) of the 2010 Building Standards. The application includes solar photovoltaic panels.

### **f) Equalities and Human Rights Impacts**

The application was assessed in terms of equalities and human rights. An Integrated Impact Assessment checklist was completed and raised no requirement for further action at this stage.

### **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 the development. The finalised Supplementary Guidance on Developer Contributions and Infrastructure Delivery dated August 2018 sets the contribution levels required.

### **Education**

The site is within the catchment of Brunstane Primary School. As there is sufficient spare capacity within the school to accommodate the additional pupil, no contribution towards new education infrastructure is required.

### **Healthcare**

The site is not located within a healthcare contributions zone and therefore no contribution towards health care is required at this stage.

### **Transport**

The application site is not located within any transport contribution zones and as such no infrastructure contribution towards transport is required at this stage.

### **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 percent of the total units proposed.

The proposal is for 100% affordable housing and therefore satisfies the requirements of Policy Hou 6. Notwithstanding, a memorandum of understanding will be agreed to secure the provision of affordable housing.

## **Environmental Impacts:**

Given the historic land use of the site, a Site Investigation Report was submitted as part of the application. Environmental Protection has reviewed the report and advised that sufficient evidence has been provided to determine that the land in general is in suitable condition for the intended use.

Notwithstanding the above, it was noted that precautionary gas protection measures and suitably protective water supply pipework materials are recommended. While it was acknowledged that the concern of ground gas risk is relatively marginal with respect to this development, the recommendation for the specification and sequence of measures proposed as a suitable long term precaution was accepted and as such a condition of the permission will require that the works are carried out to a satisfactory standard.

In addition to the above, concerns have been raised through representations regarding the impact that the proposal would have on noise, air and light pollution. It is noted that the site is not located in or within close proximity to an air or noise quality management zone and no concerns regarding such impacts have been raised by Environmental Protection. In terms of light pollution, given the urban location of the application site, it is not expected that the proposal would result in an abnormal level of light pollution for a residential area.

## **Archaeology**

LDP Policy Env 8 (Protection of Important Remains) seeks to protect archaeological remains from being adversely impacted from development. The Council's Archaeology Officer was consulted on the application and has confirmed that there are likely to be no archaeological remains on the site and therefore there are no known archaeological implications with regard to this proposal.

## **Ecology**

Concerns have been raised regarding the impact that the development would have on wildlife. A Preliminary Ecological Appraisal, Preliminary Roost Appraisal and a Badger Survey were undertaken. None of the trees inspected had a level of bat roosting suitability and no signs of badgers were recorded.

## **Trees**

LDP Policy Env 12 (Trees) states that development will not be permitted if it will result in damage to trees worthy of retention. This proposal would result in the loss of 24 trees across the site. The majority of the trees to be removed would be along Bingham Avenue and Duddingston Row.

It is acknowledged that the trees along the street frontage make a contribution to the character of the surrounding area. That being said, the applicant has submitted a tree report which states that a number of trees are in poor condition and are recommended for removal due to disease. This leaves only three mature healthy trees on Bingham Avenue, which have a limited lifespan. In addition, root protection areas inhibit the development of the site in a way which addresses the prevailing character of the area in

relation to building lines and urban frontages. A comprehensive landscaping approach is supported to mitigate against the visual loss along Bingham Avenue and Duddingston Row with replacement tree planting, shrubs and hedging providing a green edge to the development.

### **i) Matters Raised in Representations**

The application attracted seven letters of representation objecting to the proposal. The matters raised through the representations have been summarised below.

#### **Material Considerations**

- Impact on privacy, daylight and sunlight to existing properties - considered in section 3.3 (c);
- Lack of parking - considered in section 3.3 (d);
- Impact on traffic - considered in section 3.3 (d);
- Flatted dwellings not appropriate - considered in section 3.3 (b);
- Proposal is an overdevelopment of the site - considered in section 3.3 (b);
- Increase in noise, light and air pollution - considered in Section 3.3 (h);
- Impact on local services - considered in section 3.3 (g);
- Loss of trees - considered in section 3.3 (h);
- impact on local wildlife - considered in section 3.3 (h);
- Visual impact of the building and setback from the road frontage - considered in section 3.3 (b);
- Design of the development not appropriate within the context of the area- considered in section 3.3 (b);
- Location of bin stores - considered in section 3.3 (c).

#### **Non-Material Considerations**

- Increased crime due to increase in population;
- Noise from building works.

#### **Conclusion**

Based on the assessment above, overall the proposal complies with the provision of the Edinburgh Local Development Plan and the Edinburgh Design Guidance. The principle of residential development in this location is acceptable and the proposal will not result in an unreasonable impact on the amenity or character of the surrounding area.

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. The protective measures specified in Section 12, page 35 of the Phase I and Phase II of the Geo-environmental Report: MM-EC Geo-environmental dated February 2018 which comprises gas protection measures for residential properties requiring the incorporation of appropriate gas protection measures sufficient to attain a minimum score of 3.5 points in accordance with the requirements of BS8485: 2015 are to be carried out.

Note: Typical gas protection measures sufficient to attain 3.5 points are a combination of the following:

Cast in situ ground bearing floor slab with nominal mesh reinforcement (0.5 points),  
Cast in-situ; monolithic reinforced ground bearing raft or reinforced cast in situ suspended floor slab with minimal penetrations (1.0 or 1.5 points);  
Passive sub floor pressure relief (0.5 points) or passive sub floor dispersal vent layer (1.5 or 2.5 points); and  
Gas Membrane installed and meeting the requirements of Table 7 of the BS 8485:2015 (2 points).

The use of PE pipe material (MDPE/HPPE) is not deemed suitable for the site and therefore PE-Al-PE Barrier pipe materials would be recommended subject to agreement with Scottish Water.

All measures must be implemented to an appropriate industry based standard. Prior to the occupation of the development, documentary evidence to certify completion of those measures to this standard shall be submitted to and approved in writing by the Council, as planning authority.

2. Prior to the commencement of development details of the proposed screen fencing between the application site and the Seaview Respite Centre must be submitted to and approved in writing by the Planning Authority. This must include, but is not limited to, elevation plans and details of the proposed building materials and finish.

3. Prior to commencement of the development, details of the proposed cycle stores to be submitted for approval by the Planning Authority regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame. Once approved these shall be located on site prior to the occupation of the development.

4. The approved landscaping scheme shall be fully implemented within 6 months of the completion of the development. Any trees or plants which within a period of five years from the occupation of this unit that die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.

5. 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

## **Reasons:-**

1. In order to protect the development from landfill gas.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to ensure the adequacy of facilities for cyclists.
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to enable the planning authority to consider this/these matter/s in detail.

## **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Consent shall not be issued until the developer has entered into a legal agreement or memorandum of understanding for the following contributions:

Affordable housing is set at 25% of all units (10 in total).

## **Financial impact**

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### **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**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **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 attracted seven letters of representation objecting to the proposal. The matters raised through the representations have been summarised in the assessment above.

## **Background reading/external references**

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- 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 within the Urban Area in the Edinburgh Local Development Plan (LDP). A small part of the site in the northern corner is open space.

**Date registered**

25 July 2018

**Drawing numbers/Scheme**

01, 02, 03C, 04A, 05A, 06 - 13, 14A, 15, 16A, 17, 18, 19A,

**David R. Leslie**

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**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Tra 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.



## **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.

Second Proposed 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.

# Appendix 1

## **Application for Planning Permission 18/03994/FUL At Site 56 Metres Southeast of 73, Duddingston Row, Edinburgh Erection of 40 residential units, comprising 30 flats, 2 houses and 8 maisonettes, along with associated parking, pedestrian paths, amenity space and soft landscaping.**

### **Consultations**

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#### **Archaeology**

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of 40 residential units, comprising 30 flats, 2 houses and 8 maisonettes along with associated landscaping, parking, pedestrian paths, amenity space and soft landscaping

The application site lies adjacent to the south-eastern boundary of the historic landscape surrounding Duddingston House. Prior to the Second World War the site appears to have been open farmland. After the War the site was developed with the construction of the recently demolished Lismore Primary School. Given that the area proposed for the new construction has been significantly impacted upon by the construction and demolition of the former school it is considered unlikely that significant insitu remains will have survived.

Accordingly it has been concluded that there are no known archaeological implications regarding this application.

#### **Scottish Water**

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 Glencorse 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 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.

## **Affordable Housing**

### **1. Introduction**

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

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

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.

### **2. Affordable Housing Provision**

This application is for 40 residential homes and an AHP requirement for 25% (10) homes are required. The applicant is 21st Century Homes, which is the City of Edinburgh Council affordable housing developer and 40 affordable homes for social rent will be delivered exceeding the affordable housing requirement. The development will consist of 20 flats, 4 houses and 16 Cottage flats and maisonettes, along with associated parking. The homes will be built to the Housing for Varying Needs Standards and the latest Design Guidance requirements.

### **3. Summary development**

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

## **Children and Families**

Assessment based on 2 Houses and 14 Flats (24 one bedroom flats have been excluded from the assessment).

Using the pupil generation rates set out in the Supplementary Guidance, the development is expected to generate at least one primary school pupil but less than one secondary school pupil.

The site is within the catchment of Brunstane Primary School. As there is sufficient spare capacity within the school to accommodate the additional pupil, no contribution towards new education infrastructure is required.

## **Environmental Assessment**

Environmental Protection has assessed the site investigation report that was supplied by the applicant with respect to the consideration of land contamination, entitled:

Phase I & Phase II Geo-Environmental Investigation (Final); Proposed Development, Bingham Housing, Bingham Housing, Bingham Avenue, Edinburgh, EH15 3NE: MM-EC Geo-environmental: February 2018

The information supplied is considered to provide sufficient evidence to enable the Local Authority to determine with reasonable confidence that the land in general exists to be in suitable condition for the intended use. Therefore, further information, or the use of a future planning condition to request additional site investigation and/or a detailed schedule of remediation measures is not considered to be necessary for this application.

It is nevertheless noted that precautionary gas protection measures and suitably protective water supply pipework materials in compliance with UKWIR guidance issued by the Scottish Water Authority are recommended within Section 12.3 and 12.4 of this report. While the concern of ground gas risk is relatively marginal with respect to this development, we accept the recommendation (12.3) for the specification and sequence of measures proposed as a suitable long term precaution, on the basis of the documentary information and monitoring within the report. Therefore, the following planning condition is recommended to ensure that the precautionary measures proposed within section 12 of the report are completed to a satisfactory industry based standard; i.e.; BS:8485:2015; and will be adequately documented as being such:

1) The protective measures specified in Section 12, page 35 of the Phase I and Phase II of the Geo-environmental Report: MM-EC Geo-environmental: February 2018; will be implemented to an appropriate industry based standard and documentary evidence to certify completion those measures to this standard shall be provided to the satisfaction of the Council.

Finally, in the event unreported or unexpected ground conditions are encountered during any phase of earthworks that indicate the potential presence of harmful contamination: for example; any potential asbestos containing material; all site works should cease while arrangements are made with the Environmental Consultant to inspect the area of concern and the matter raised with the Planning Authority to ensure safety of the development. In addition, the developer is responsible for ensuring any imported material onto site is clear from contamination and suitable for the specific purpose intended.

## **Roads Authority**

Further to the memorandum of 6 September 2018, there are no objections to the proposed application subject to the following being included as conditions or informatives as appropriate:

1. Separate application will be required for road construction consent and road opening permit to carry out the work to realign the footway, carriageway etc. Full details to be agreed prior to commencement of building works;
2. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
3. In support of the Council's LTS Cars1 policy, the applicant should be asked to contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of a car club vehicle in the area;
4. Contribute the sum of £2,000 to progress a suitable order to introduce 1 disabled parking space on-street;
5. 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;
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.

### **Note:**

- o Current Council parking standards permit up to 2 spaces per unit depending on room numbers. The 40 units could therefore provide up to 52 off-street spaces under the parking standards. The development proposes to provide 9 spaces on-street by realigning the carriageway etc. on Bingham Avenue and 6 off-street spaces for Block 1. In addition, there is considered to be sufficient kerbspace available to accommodate further parking if required and the proposed parking levels are therefore considered acceptable;
- o The revised proposals include adequate cycle parking for the flats with cycle parking for the houses to be provided within enclosed rear gardens.

## Flood Planning

The information submitted is sufficient and no further comment.

## Waste Planning

The revised drawing has been agreed for the waste strategy

## Location Plan

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