

Development Management Sub Committee

Wednesday 19 June 2019

**Application for Planning Permission 18/02404/FUL
At 37 Corstorphine Road, Edinburgh, EH12 5QQ
Demolition of existing house, erection of new building to
form residential apartments with associated car parking and
landscaping.**

Item number	7.2
Report number	
Wards	B06 - Corstorphine/Murrayfield

Summary

The proposal complies with the local development plan and the non statutory guidance. The scale, form, design and materials are acceptable and will have no effect on the character of the surrounding area. The proposals will have no adverse impact on the neighbouring listed building or its setting. The development will have no detrimental impact on significant archaeological remains, flora or fauna, residential amenity or road safety.

A suitable legal agreement shall be entered into to ensure an appropriate contribution to the provision of affordable housing and education.

Flooding arrangements for the site are acceptable to CEC's Flood Team. However, SEPA is objecting on the grounds that there is a risk of flooding of the proposed buildings. In view of this outstanding objection, as SEPA is a statutory consultee, the Scottish Ministers will require to be notified should Committee decide to grant the application. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDES01, LDES03, LDES05, LHOU01, LHOU02, LHOU03, LHOU06, LTRA02, LTRA03, LDES04, LEN15, LEN21, NSG, NSGD02, LDES10,

Report

Application for Planning Permission 18/02404/FUL At 37 Corstorphine Road, Edinburgh, EH12 5QQ Demolition of existing house, erection of new building to form residential apartments with associated car parking and landscaping.

Recommendations

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

Background

2.1 Site description

The site is located on the south side of Corstorphine Road and extends to approximately 0.17 hectares. The site is triangular in shape, bounded by a stone wall and is currently occupied by a detached two storey residential villa, single storey garage and incidental garden ground. Neither of the buildings are listed. The Water of Leith is directly to the rear of the site, with Roseburn Park lying beyond this. To the north of the site are large detached villas which are in residential and commercial use, detached villas also lie to the west. Number 39, 41 and 43 Corstorphine Road, that lie to the west, are category C listed (LB ref: 28587 and 28588, listed 18/09/2002).

There are three vehicular access points to the site from Corstorphine Road.

The site is not located within a conservation area but is adjacent to the West Murrayfield Conservation Area to the west and the Coltbridge and Wester Coates Conservation Area to the east.

2.2 Site History

17 July 2003 - Planning permission granted to construct two way vehicle access with gates and turning area (application number 03/01727/FUL).

16 May 2016 - Planning permission granted to form new vehicle access and associated parking area (application number 16/01583/FUL).

Main report

3.1 Description of The Proposal

The application is to demolish the existing villa and garage and erect a residential development comprising 20 apartments: 14 two-bedroom and six three-bedroom within a four storey block with terraces, balconies, cycle and car parking, landscaping and refuse space.

The proposed building comprises a contemporary style, flat roofed structure of four storeys with part of the top floor recessed at the front and rear elevation. The main facing material is ashlar stone, supplemented with brick cladding, bronze coloured aluminium, timber cladding and bronze finished windows and steel metal balustrades.

Landscaped areas are proposed to the front, in the north east corner and south west corner of the building, with timber decked private gardens facing onto the Water of Leith and Roseburn Park.

The scheme provides 18 car parking spaces, including three spaces with electric car charging points, 44 secure cycle parking spaces and four Sheffield stands for 8 cycles.

Scheme 1

This scheme did not include EV charging points or external cycle spaces.

Applicant's Supporting Statement

The following documents are available on the Planning and Building Standards On-Line Services:

- Planning Supporting Statement;
- Transport Statement;
- Drainage Strategy; and
- Design 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 development is acceptable in principle in this location;
- b) the proposal will have any adverse impacts on the setting of the adjacent listed building
- c) the scale, form, design and materials are acceptable;
- d) the development will impact on residential amenity;
- e) the proposal raises any issues in terms of residential amenity for the future occupiers of the development;
- f) transport, parking and access are satisfactory;
- g) there is an Affordable Housing contribution required;
- h) the proposal have any significant impacts in terms of flooding;
- i) the proposal is acceptable in relation to other relevant material considerations; and
- j) the representations have been addressed.

a) Principle

The site is allocated as Urban Area in the Edinburgh Local Development Plan (LDP) where housing development in principle is acceptable. Housing is supported within the urban area by Policy Hou1 where it is compatible with other policies in the local plan.

The development is acceptable in principle in this location subject to the consideration of other matters below.

b) Impact on the Setting of the Listed Building

The new development is located approximately 20 metres from number 39 Corstorphine Road, a category C listed building. The proposal will replace the existing building with another built form of a similar height and along with the established landscape setting it will ensure that the proposal will not affect the setting of the listed building.

c) Scale, Form, Design, Materials and Density

Edinburgh Local Development Plan policies Des 1 and Des 3 states that planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area and that development should demonstrate that the existing characteristics have been incorporated and enhanced through its design and will have a positive impact on its surroundings. Policy Hou 4 seeks appropriate density on each site.

The Edinburgh Design Guidance sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on site and materials and detailing.

The surrounding area is of a mixed character, encompassing detached dwellings and larger commercial buildings to the east. The proposed development takes its character from the larger commercial developments on the street. The building is angled at its

south west corner, where it follows the line of the Water of Leith and the site boundary towards the north east corner of the site. Elements of the north elevation of the building respond to the established building line on Corstorphine Road. This element of the development reflects and follows the more established commercial character to the east of the site. The building is generally four stories in height, although the height and mass on the west elevation has been reduced to respond to the adjacent listed building and villa properties, whilst the height on the east elevation responding to the commercial development. The building sits comfortably within the general context of the street given the different building heights and the proposal will integrate well within the wider townscape.

The proposed contemporary design and use of stone on the main elevations and the range of building styles, materials and tones is appropriate in this context with no set rhythm when considering the streetscape, particularly to the east of the site. The rear elevation is articulated with large windows and balconies to take advantage of the open outlook over Roseburn Park and the Water of Leith, and provides a sympathetic and attractive frontage onto that watercourse.

The overall design will make a positive contribution to the site with an appropriately scaled and designed building.

The development complies with LDP policies Des 1, Des 3 and Des 10

Density

Edinburgh Local Development Plan policies Hou 4 seeks an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

The spatial character of the area is mixed. Generally higher densities and larger built form and footprints exist along the Corstorphine Road corridor particularly to the east of the site, the closer it gets to the city centre. To the north, lower densities prevail. The site, marks the gateway to this change in character and an opportunity exists to create a development which contributes to a greater sense of arrival. There is a strong urban design rationale for a high density development which reflects its sustainable location along an arterial route.

The density of the proposal is acceptable and it will not have a detrimental impact on the spatial character of the area.

The proposals are therefore acceptable in terms of scale, form, design and materials and will have no adverse effect on the character of the surrounding area.

The development complies with LDP policy Hou 4.

d) Flora and Fauna

The site is adjacent to a Local Nature Conservation Site as defined in the LDP. Policy Env 15 guards against development which is likely to have an adverse impact on the flora, fauna, landscape or geological features of the site.

Adjacent to the riverbank the site has been cleared of any vegetation which was to

accommodate the flood prevention works. The only vegetation and planting on the site is around the existing house and this has no restrictions on removal.

The proposed development is set back approximately 2.8 metres from the site boundary to the south and will have a row of terraces at the ground floor level. Outwith the site there is a natural river edge to the Water of Leith abutting the flood wall and this provides a reasonable set back.

The development will therefore have no adverse impact on flora or fauna, in compliance with LDP Policy Env 15.

e) Residential 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.

Environmental Protection has no objections to the proposed development subject to a condition relating to the provision of electric vehicle charging points in accordance with the requirements of the Edinburgh Design Guidance. Relevant conditions and informatives have been applied according to enforceability under planning legislation.

The internal floor area of each for the two-bedroom flats range from 79 square metres to 109 square metres and 109 square metres to 137 square metres for the three-bedroom flats which complies with the minimum standards as set out in the Edinburgh Design Guidance.

The development also complies with the daylighting, overshadowing and privacy standards in the Edinburgh Design Guidelines as there are no neighbouring residential properties in close proximity to the site.

Green open space will be provided by way of communal green space and terraces. The green areas in the north of the site provide a setting for the building, with the flats having private balconies facing south onto the Water of Leith and Roseburn Park. The main living apartments are also on the south side of the development so future occupiers of the flats will have a high level of amenity. Although the level of communal, useable greenspace does not meet the standards set out in Policy Hou 3, the location of the proposal, being in close proximity to Roseburn Park, ameliorates the level of provision within the scheme.

The development complies with LDP policy Des 5 and the minor infringement to Hou3 is acceptable in these circumstances.

f) Road Safety

Policy Tra 2 and Tra 3 states permission will be granted for development where proposed car parking provision complies with and does not exceed parking standards and cycle parking and storage complies with the standards.

The development is providing 18 parking spaces for the residential units, including 3 with electric charging points. The distribution of parking around the site, access routes to them and overall provision meets levels required in the Council's guidance and is

satisfactory. Cycle stores are to be located to the north of the site to provide secure cycle parking.

Transport, parking and access are satisfactory and accord with policy Tra 2 and Tra 3 of the LDP.

g) Affordable Housing

Policy Hou 6 Affordable Housing of the local plan states that sites consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units. For proposals above 20 or more units, the provision should normally be on site. Whenever practical, the affordable housing should be integrated with market housing.

The application is for 20 units and as such the policy requires 5 affordable units to be provided on site for affordable housing. It is only where the Council is satisfied that the affordable housing could not be viably delivered onsite by a housing association, that we consider alternative proposals.

Onsite RSL delivery was considered but discounted for the following two reasons:

1. High purchase costs - The properties are not financially viable for an RSL, as they have an average unit cost of £260,000.

Cost Plan

- The applicant has submitted a cost plan identifying the cost to build approximately at £240,000 per unit. This figure is not inclusive of fees (at approximately 10%). This raises the indicative cost plan figure to at least £260,000 per unit.
- CEC estates department asked independent surveyors Currie and Brown to carry out an appraisal of the development proposals. Currie and Brown ran their own appraisal using current standard development costs/assumptions and identified higher development cost than those submitted by the applicant. This figure is £260k per unit (inclusive of fees approximately £280k).
- The costs submitted have therefore been verified as being accurate.

Potential Cost Saving for RSL

The following development factors have been identified as potential areas from which to make cost savings to allow for an RSL to purchase from the developer:

- **Materials** The external finishes of stone / zinc are expensive. The planning department's view on these are they are not strictly required, as they are on the fringes of two conservation areas. However, as the finishes face these conservation areas the external finishes are desirable.
- **Internal specification** - The flats are of high spec, aimed at the upper end of the market. An estimated value on the reduction for an RSL are at circa £5,000 per unit.
- **Floor areas** - The flats have generous space standards but these are not excessive. There is potential to reduce floor areas by 15% to make a more compact/efficient build for an RSL build to reduce cost per flat by 15%.
- **Lift** - As the properties are 3 storey there is no requirement for lift. This could lead to a potential saving of circa £5k per flat.

Taking all these potential savings into account would bring the all in development cost to circa £228,000.

RSL Purchase

- RSLs secure properties from developers at approximately £130,000 per unit.
- If the costs were closer to £130,000 there would be the potential to look at the use of commuted sums to support the development to make on site delivery viable.
- However, as they stand the opportunity does not present value for money, either in terms of the RSL own resources, or with the associated grant/commuted sums funding for an RSL to purchase at approximately £228,000 per unit

2. Minority ownership within a communal stair - RSLs do not want to take on flats within a shared stairwell due to the ongoing responsibility for tenants and maintenance implications. There are two stairwells for this development of 20 units.

- Should the stairwells be reconfigured, to allow for an RSL to purchase a single block, this could have an impact on the overall numbers of units and potentially reduce the number of homes overall. If the project has under 20 units in total; the default policy position would be for a commuted sum payment

Both Places for People and Dunedin Canmore Housing Association have confirmed the project is not viable for them for these two reasons.

Where the developer has clearly established that the development would not be viable for a housing association then the affordable housing policy allows for alternative methods of delivery to be considered. The developer has submitted an indicative sales cost, which makes golden share an unviable delivery model.

The housing service considers that options for onsite delivery have been explored and that a commuted sum payment in lieu of onsite affordable housing is acceptable.

The developer will provide the commuted sum through a Section 75 agreement, paying the sum prior to the commencement of construction on the principal site. The sum will be used to support the delivery of affordable housing in the same or adjacent Ward of the city.

The instruction has not been provided to calculate the commuted sum figure. This will require to be independently assessed by the District Valuer. For information, based upon recent commuted sum payments, the sum is likely to be in the region of £40,000 to £50,000 per unit.

The developer will be required to enter into a Section 75 legal agreement to secure the affordable provision. An informative has been added requiring the conclusion of a legal agreement to secure financial contribution for this purpose.

h) Flooding

Policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudicial to existing or planned flood defence systems.

The proposal will provide adequate drainage. The Council's Flood Team has confirmed that sufficient information has been submitted to satisfy flooding arrangements.

SEPA has objected to the principle of residential development on this site on the grounds of flood risk.

The site is located adjacent to the Water of Leith and benefits from the Water of Leith Flood Protection Scheme (FPS). In August 2017, SEPA published a Planning Information Note 4 which sets out the position that it now takes for development behind a FPS. In summary, where a planning application will result in a land use change to a highly vulnerable use such as residential, SEPA requires the development to be protected to a 1:200 year standard including an appropriate allowance for climate change. However, SEPA is now concerned that this climate change allowance may not be sufficient and therefore objects to the principle of housing development on the site.

SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce flood risk and promote sustainable flood risk management. It states that the cornerstone of sustainable flood risk management is the avoidance of flood risk. It is SEPA's view that vulnerable uses such as a residential development should be directed to alternative locations rather than incorporating mitigation measures.

However, SEPA recognises that in determining applications, planning authorities have to consider a range of material considerations as well as flood risk. There may be circumstances where applications are granted planning permission despite an objection from SEPA.

In this instance, SEPA has stated that, should the Council be minded to approve the application, it recommends that:-

- finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard,
- flood resistant and resilient design and materials are included, and
- safe flood free access and egress can be provided during a flood.

The applicant has amended the proposals to meet these requirements and the Council's Flooding team is satisfied that the mitigation proposed is acceptable. Notwithstanding SEPA's objection to the principle of residential development, this proposal has been designed to mitigate potential flood risk and accords with LDP policy ENV 21 Flood Protection. As SEPA has objected to the application, if the Council is minded to grant planning permission, it must notify Scottish Ministers.

i) Other relevant material considerations

Archaeology

The site contains an unlisted Victorian Villa and occurs on the southern side of the historic medieval road linking Edinburgh and Glasgow and is therefore considered to be of archaeological interest. Although the site has been significantly affected by modern disturbances, ground breaking works associated with demolition and development may disturb evidence for this historic settlement. It is recommended that a programme of

archaeological work (excavation) is undertaken prior to/during development to fully excavate, record, analyse and publish any significant remains that may be disturbed. A condition has been added in respect of this

Education

Policy Del 1 requires proposals to contribute towards education provision.

This site falls within Sub-Area W-2 of the 'West Edinburgh Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. Appropriate education infrastructure actions to mitigate the cumulative impact of development now anticipated are identified. The required contribution will therefore be based on the established 'per house' 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 is £2,240 index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

A legal agreement is recommended to secure the required contribution.

j) Representations

Material Representations - Objection

- visual impact on the area - addressed in section 3.3 b)
- scale and impact on the river and walkway -addressed in section 3.3 b)
- lack of parking - addressed in section 3.3 e)
- traffic impact - addressed in section 3.3 e)
- loss of villa - addressed in section 3.3 b)
- height of the building - addressed in section 3.3 b)
- loss of privacy and overshadowing - addressed in section 3.3 d)
- no affordable housing - addressed in section 3.3 f)

Material Representations - Support

- good location for transport links
- address the housing shortage
- appropriate development
- good level of accommodation
- high quality residential development

Murrayfield Community Council

- The Murrayfield Community Council did not request to be a statutory consultee but it objected on the following grounds:
- The proposal is not sympathetic to its surroundings - addressed in paragraph 3.3 (b)
- Height of the proposed block is excessive - addressed in paragraph 3.3 (b)
- Proximity to the flood defence wall - addressed in paragraph 3.3 (c)
- limited green space - addressed in section 3.3 (b)

Conclusion

In conclusion, the proposal largely complies with the local development plan and the non-statutory guidance. The scale, form, design and materials are acceptable and will have no effect on the character of the surrounding area. The proposals will have no adverse impact on the neighbouring listed building or its setting. The development will have no detrimental impact on significant archaeological remains, flora or fauna, residential amenity or road safety.

A suitable legal agreement shall be entered into to ensure an appropriate contribution to the provision of affordable housing and education.

Flooding arrangements for the site are acceptable to CEC's Flood Team. However, SEPA are objecting on the grounds that there is a risk of flooding of the proposed buildings. In view of this outstanding objection, as SEPA are a statutory consultee, the Scottish Ministers will require to be notified should committee decide to grant the application. There are no material considerations that outweigh this conclusion.

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

3.1 Conditions/reasons/informatives

1. The application shall be notified to the Scottish Ministers prior to determination.
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.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. Permission should not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.

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. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.

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

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

4. 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.

5. 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.

6. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
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;

Any gate or doors must open inwards onto the property;

Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;

The 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;

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);

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

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

A total of 69 letters of representation has been received. 37 of these are objections and 32 letters are in support.

An objection was received from Murrayfield Community Council.

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**

Edinburgh Local Development Plan - The site is designated as Urban Area.

Date registered

1 June 2018

Drawing numbers/Scheme

01-04,05A,06-14,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

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

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

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.

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.

Appendix 1

Application for Planning Permission 18/02404/FUL At 37 Corstorphine Road, Edinburgh, EH12 5QQ Demolition of existing house, erection of new building to form residential apartments with associated car parking and landscaping.

Consultations

Affordable Housing

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

Recommendation: Commuted Sum

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.*

2. Affordable Housing Provision

This application is for a development consisting of 20 homes and as such the AHP will apply, 5 units (25%) will be required to be provided as affordable housing.

In all instances for applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site, in a manner that is well-integrated. It is only in where the Council is satisfied that the affordable housing could not be viably delivered onsite by a housing association, that we consider alternative proposals.

Onsite RSL delivery was considered but discounted for the following two reasons:

- 1. High purchase costs - The properties are not financially viable for an RSL as have an average unit cost of £260,000 per unit*

Cost Plan

- The applicant has submitted cost plan identifying the cost to build approximately £240,000 per unit. This figure is not inclusive of fees (at approximately 10%). This raises the indicative cost plan figure to at least £260,000 per unit.*
- CEC estates department asked independent surveyors Currie and Brown to carry out an appraisal of the development proposals. Currie and Brown ran their own appraisal*

using current standard development costs/assumptions and identified higher development cost than those submitted by the applicant. This figure is £260k per unit (inclusive of fees approximately £280k).

- The costs submitted have therefore been verified as being accurate.

Potential Cost Saving for RSL

The following development factors have been identified as potential areas from which to make cost savings to allow for an RSL to purchase from the developer:

- *Materials* The external finishes of stone / zinc are expensive. The planning department's view on these are they are not strictly required, as they are on the fringes of two conservation areas. However, as the finishes face these conservation areas the external finishes are desirable.
- *Internal specification* - The flats are of high spec, aimed at the upper end of the market. An estimated value on the reduction for an RSL are at circa £5,000 per unit.
- *Floor areas* - The flats have generous space standards but these are not excessive. There is potential to reduce floor areas by 15% to make a more compact/efficient build for an RSL build to reduce cost per flat by 15%.
- *Lift* - As the properties are 3 storey there is no requirement for lift. This could lead to a potential saving of circa £5k per flat.
- Taking all these potential savings into account would bring the all in development cost to circa £228,000.

RSL Purchase

- *RSLs secure properties from developers at approximately £130,000 per unit.*
- *If the costs were closer to £130,000 there would be the potential to look at the use of commuted sums to support the development to make on site delivery viable.*
- *However, as they stand the opportunity does not present value for money, either in terms of the RSL own resources, or with the associated grant/commuted sums funding for an RSL to purchase at approximately £228,000 per unit*

2. Minority ownership within a communal stair - RSLs do not want to take on flats within a shared stairwell due to the ongoing responsibility for tenants and maintenance implications. There are two stairwells for this development of 20 units.

- *Should the stairwells be reconfigured, to allow for an RSL to purchase a single block, this could have an on the overall numbers of units and potentially reduce the number of homes overall. If the project has under 20 units in total; the default policy position would be for a commuted sum payment*

Both Places for People and Dunedin Canmore Housing Association have confirmed the project is not viable for them for these two reasons.

Where the developer has clearly established that the development would not be viable for a housing association then the affordable housing policy allows for alternative methods of delivery to be considered. The developer has submitted an indicative sales cost, which makes golden share an unviable delivery model.

Summary

The housing service considers that options for onsite delivery have been explored and that as a last resort will accept a commuted sum payment in lieu of onsite affordable housing.

The developer will provide the commuted sum through a Section 75 agreement, paying the sum prior to the commencement of construction on the principal site. The sum will be used to support the delivery of affordable housing in the same or adjacent Ward of the city.

The instruction has not been provided to calculate the commuted sum figure. This and will be required to be independently assessed by the District Valuer. For information, based upon recent commuted sum payments, the sum is likely to be in the region of £40,000 to £50,000 per unit.

The developer will be required to enter into a Section 75 legal agreement to secure the affordable provision. This should be included in the Informatives section of the report to committee.

Roads Authority

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

- 1. The applicant proposes 52 cycle parking provision and complies with the Council's 2017 Parking Standards which requires the applicant to provide a minimum 52 secure, quality and easy to use cycle parking provision for the proposed development (2 bedroom(8); 3bedroom(12)).*
- 2. The applicant proposes 3 electric charging parking spaces and complies with the Council's 2017 parking Standards which requires at least one in every six of the proposed parking spaces be ducted.*
- 3. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 4. 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;*
- 5. Any gate or doors must open inwards onto the property;*
- 6. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
- 7. The 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;*
- 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);*
- 9. 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;

Note:

The applicants proposes 18 parking provision and complies with the Council's 2017 parking standards which allows a maximum of 36 parking provision for the proposed development in Zone 2.

SEPA

We object in principle to this planning application on the grounds of flood risk. Please note the advice provided below.

1. Flood Risk

Executive Summary Outlining Policy Context

1.1 We object in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

1.2 Given the location of the proposed development within the functional floodplain we do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. We recommend that alternative locations be considered.

1.3 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1.4 Notwithstanding this position we have included our review of the information supplied. Provision of this review does not imply that we consider there to be a technical solution to managing flood risk at this site which meets with Scottish Planning Policy.

Technical Appendix

1.5 We have reviewed the information provided in this consultation and it is noted that the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.

1.6 The proposal is for the demolition of an existing house and an erection of residential apartments. A level 1 Flood Risk Assessment (FRA) undertaken by Terrenus Land & Water Ltd has been submitted in support of the application.

1.7 Review of the FRA section 3.3 states that the City of Edinburgh Council (CEC) provided modelled outputs from the works carried out on the Water of Leith. The consultant claims that a design flow provided to it by the Council represents its estimate

of the 1 in 200 year flood with a 20% uplift for global climate change. It is also stated within the FRA that the Standard of Protection for the existing flood defences scheme is "understood to be for the 1 in 200 year plus 20% GCC event." We would advise that we have received information from the council that the Standard of Protection of the Water of Leith varies depending on the area protected from 1:150 year to 1:200 year, including a 12% allowance for climate change. Within the documents reviewed there has been no account of a 20% climate change uplift applied within the model.

1.8 In August 2017, we published new guidance including Planning Information Note 4: SEPA Position on development protected by a Flood Protection Scheme (FPS). This sets out the position that SEPA now takes for development behind a FPS. Based on our guidance, we require the development to be protected to a 1:200 year standard of protection including an appropriate allowance for climate change, generally a minimum of 20% uplift. We would also advise that early indications from UKCP18 is that future climate change uplifts may be higher than this current allowance. To be confident in the standard of protection offered by the Water of Leith FPS for all current and future phases of the scheme, we undertook an extensive review of the Water of Leith FPS documentation, spanning the last 18 years

1.9 We have reviewed the FPS documentation held by SEPA, City of Edinburgh Council (CEC), and Scottish Government. We do not own these documents therefore should you wish to review these documents, please approach the council in the first instance. We have not included our entire review of the scheme in this response, but focused our response on the limitations of the scheme along this area of interest. Our position has been agreed with SEPA agency management teams and will thus be used to inform any future responses to proposed development along the Water of Leith that is offered some protection by the FPS.

1.10 The remaining uncertainties of the scheme after a review of all readily available documentation includes; flow estimates, storm durations, reservoir operation, urban assumption, climate change allowance, bridge blockage and sensitivity analysis, reliance on flood gates, and freeboard. These uncertainties are elaborated upon below.

1.11 Flow estimates only include the gauged record which is approximately 55 years long at Murrayfield gauging station. Two significant events of similar magnitude to 2000, which occurred in 1920 and 1948, are not included within the gauged record and therefore not included within the analysis undertaken by the council's consultant. Taking into account these events, the April 2000 flood event may be a 1:70 year return period flood or even more frequent, rather than a 1:100 year return period as estimated by the Council's consultant at that time.

1.12 Flow estimates are further complicated by uncertainties associated with the theoretical stage-discharge calibration at the upstream Colinton gauging station and the peak flow that the Murray Burn can generate, bearing in mind it is heavily culverted.

1.13 The storm duration used in the original study by the council's consultant is 10.5 hours at Colinton. We would highlight that the significant flood generating storms on the Water of Leith have been over 10.5 hours in the past, and closer to 24-48 hours in duration.

1.14 CEC have confirmed that the upstream reservoirs are not managed for flood reduction and are left "as be", i.e. not drawn down prior to a predicted storm and not used to lower water levels quicker after an event. This 'hands off' approach is in contrast to the documents produced as part of the scheme design and subsequent local inquiry. As such, there would appear to be greater uncertainty regarding the storage that the reservoirs might provide during extended wet periods or back-to-back storms.

1.15 The number of combined sewer overflows complicate the hydrology. Due to the assumption that the urban catchment would have a quicker response time than the arrival of the dominant rural flood peak, Babtie's initial study and continued in the Ove Arup & Partners Ltd Hydrological and Hydraulic Design Report Volume 1 (2003), reduced the contribution of the urban catchment area by 21km². It is assumed that these areas would drain to the combined sewer network.

1.16 The applied climate change allowance is only a 12% increase and this has been applied to a peak flow estimate reduced to take account of the reservoir operating as designed, i.e. drawn down prior to a storm, which is currently not done. The Ove Arup & Partners Ltd Response to Reporter's Report (2005) states that "If the current SE predictions prove correct, then the scheme will continue to provide a 1 in 200 Standard of Protection for up to 45 years." It is worth noting that the lifetime of the proposed residential development would likely be greater than the lifetime of the scheme, especially since this report was published 13 years ago.

1.17 Partial Bridge blockage is a risk that cannot be eliminated entirely, although continual maintenance will reduce this risk. It is worth noting that bridge blockage scenarios were not fully investigated as part of the sensitivity analysis. Additional sensitivity of the model to varying flows, Manning's 'n' values, reservoir operation, and urban assumption are not fully investigated within the documentation reviewed. John Riddell and CarlBro (February 2003) demonstrated that the Water of Leith model is sensitive to changes in model parameters. Therefore, it is not clear whether a sufficient freeboard has been incorporated into the scheme design to take account of these uncertainties.

1.18 Flood levels vary for this site and are dependent on the model used and whether climate change has been included and the operation of the reservoirs.

1.19 The FRA supplied in support of the application, identifies the minimum elevation of the FPS wall at this location is 42.09mAOD. The freeboard available will be dependent on the peak flood levels applied to the model, model set-up, operation of the reservoirs, the urban assumption, and whether the climate change allowance is appropriate.

1.20 Whilst we understand that the site is afforded some level of protection from the Water of Leith FPS there are uncertainties associated with the standard of protection the scheme affords. Therefore, we do not consider, based on best science, that the allowance for climate change is adequate to meet the projected increase in flood risk in the coming years. The proposed development will result in material increase in the number of persons and buildings at risk contrary to the Flood Risk Management (Scotland) Act as there is an increased risk to human health. As such, we object in principle to the current planning application. No detailed Flood Risk Assessment (FRA) has been undertaken as part of this application. However, based on the information provided above, without prejudice, a further FRA may only serve to show that the site is at risk of flooding and we would be unable to support development where there is an increase in the number of persons and buildings at risk.

1.21 Should the council be minded to approve the planning application, in spite of our advice to the contrary, and given all the uncertainties highlighted above, we would strongly recommend that finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard. We would also recommend that flood resistant and resilient design and materials are included as well as ensuring that safe, flood free access and egress can be provided during a flood.

Detailed advice for the applicant

2. Flood Risk

Caveats & Additional Information for Applicant

2.1 *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/>*

2.2 *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.*

2.3 *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 Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>*

Children and Families

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

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

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

Assessment and Contribution Requirements

Assessment based on:

20 Flats

This site falls within Sub-Area W-2 of the 'West Edinburgh Education Contribution Zone'.

Using the pupil generation rates set out in the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery', the development of 20 flats is expected to generate at least one additional primary school pupil but not at least one additional secondary school pupil.

The Supplementary Guidance states that if a development is expected to generate at least one primary school pupil but less than one secondary school pupil, only a contribution towards new primary school infrastructure may be required.

The Council has assessed the impact of the proposed development on the identified education primary school 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 primary school 'per flat' rates for the appropriate part of the Zone.

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

Total infrastructure contribution required:

£2,240

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.

Environmental Protection

The planning application site is located at 37 Corstorphine Road. The site is bounded by the Water of Leith to the south and a neighbouring residential house to the west. Further west are located substantial detached and semi-detached residential properties, followed by a Medical Centre and large office building. To the south and south west are located cricket playing fields with Murrayfield Rugby Stadium further south. Approximately 80m to the west, is a vehicle tyre and exhaust centre. On the opposite side of the road to the north are substantial detached residential properties. To the north-west is located a church.

Due to the previous use of the land there are no concerns regarding contaminated land. The proposed development is located between two Air Quality Management Areas. It is approximately 275m from the western extent of the City Centre Air Quality Management Area (AQMA) at Roseburn Terrace. It is also approximately 2km from the eastern edge of the St John's Road AQMA. However, as it is a small development with 18 vehicle parking spaces, it will have a negligible impact on the AQMA.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of Electric Vehicle (EV) charging points. The Edinburgh Design Guidance now requires that one of every six spaces should include a fully connected and ready to use electric vehicle charging point. A condition has been recommended.

Environmental Protection has no objections to this application subject to the condition below.

Conditions

1. The three Electric Vehicle (EV) parking spaces marked on drawing L(PL)056 shall each be provided with a 7kw (Type 2 sockets) charging point, installed and fully operational prior to occupation.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of existing house, erection of new building to form residential apartments with associated car parking and landscaping.

The site contains an unlisted Victorian Villa and occurs on the southern side of the historic medieval road linking Edinburgh and Glasgow and is therefore considered to be of archaeological interest. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies 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.

As stated the development will require the demolition of a 19th century villa possibly shown on the 1st Edition OS Map as Hawthornbank. Although its loss will have a significant impact, the loss of this locally important building is not regarded as being significant to warrant refusal of consent. However, it is recommended that a detailed historic building survey (phased internal and external elevations and plans, photographic and written survey and analysis) is undertaken prior to and demolition, in order to provide a permanent record of this historic buildings.

In addition, General Roy's 1750's military survey indicates the site may overly an unnamed row of buildings located, located either side of this historic road. Although the site has been significantly affected by modern disturbances ground breaking works associated with demolition and development may disturb evidence for this historic settlement. Accordingly, it is recommended therefore that in association with the historic building recording that a programme of archaeological work (excavation) is undertaken prior to/during development too fully excavate, record, analyse and publish any significant remains that may be disturbed.

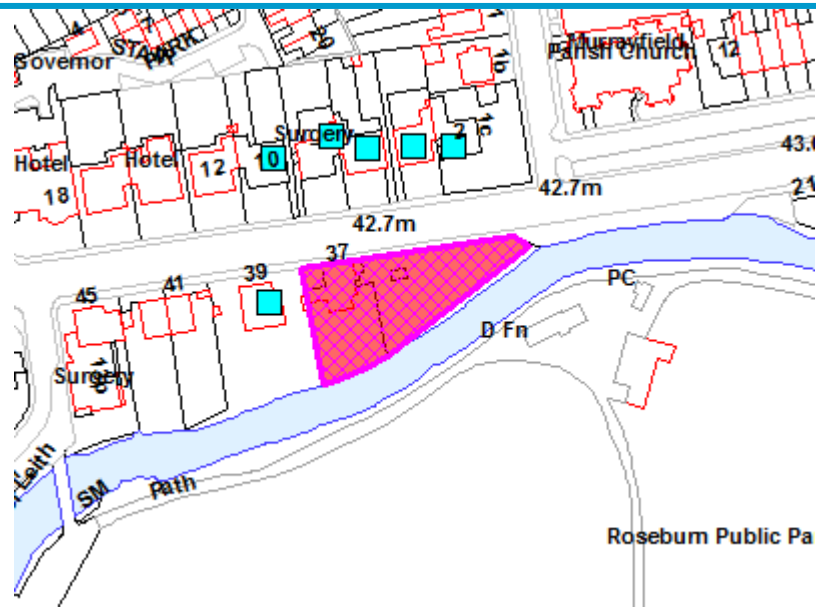
Such mitigation should be secured by the following condition;

'No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work would 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.

Location Plan



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