

Development Management Sub Committee

Wednesday 9 February 2022

**Application for Planning Permission 21/03813/FUL
at St Crispins Special School, 19 Watertoun Road,
Edinburgh.**

**Demolition of existing school building and construction of
new dwellings, a mix of flatted blocks and terraced houses,
with associated access roads, carparking and landscaping
(as amended).**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The proposal complies with the development plan. The development responds effectively to the surrounding context, draws upon the positive characteristics of the area and is acceptable in terms of its scale, form and design. There will be no unacceptable impacts on residential amenity, road safety or flooding prevention. Mitigation will be provided to offset the impact on trees and biodiversity. The proposal is acceptable and there are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN12, LEN16, LTRA02, LTRA03, NSG, NSGD02, NSHAFF,

Report

Application for Planning Permission 21/03813/FUL at St Crispins Special School, 19 Watertoun Road, Edinburgh.

Demolition of existing school building and construction of new dwellings, a mix of flatted blocks and terraced houses, with associated access roads, carparking and landscaping (as amended).

Recommendations

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

Background

2.1 Site description

The site measures 0.95 hectares and is currently occupied by St Crispin's School. The existing school buildings are predominantly single storey with one centrally located two-storey section. The internal boundary of the site comprises trees, landscape planting and grass areas. The site has a single access to the west from Watertoun Road and car parking is located within the north-west corner of the site.

The site lies within a predominantly residential area which has a variety of housing styles and is suburban in character. To the north is a row of stone-built terraced villas facing onto West Savile Terrace and to the east are two and three-storey residential developments on Langton Road. To the west is the site entrance on Watertoun Road with two-storey terraces and three-storey flats on either side. To the south is the West Mains Allotments site.

The site is relatively flat with the exception of a landscaped mound in the south-west corner and the land slopes away toward the eastern boundary.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The proposal involves the demolition of the existing school and the erection of a development of 49 residential units. The residential accommodation will be formed of 23 three-storey townhouses laid out in terraces and 26 flats within two blocks of three and four storeys.

The blocks will be sited around a landscaped central green space with vehicular access around it. Additional open space will be provided along the south-east and in the north-west boundaries of the site. A total of 25% of the site area will be provided as green open space. The terraces will each have a private garden at the rear and the flats will be provided with communal amenity space around their curtilage.

Blocks A1 and A2, C1 and C2, and D1, D2 and D3 are all three-storey townhouses, each with three bedrooms. Block B is a four-storey flatted block comprising six one-bedroom; four two-bedroom; and four three-bedroom properties. Block E is a three-storey block that will contain the affordable element of the proposal. The block will comprise six one-bedroom; three two-bedroom; and three three-bedroom properties.

Materials are primarily blonde and charcoal facing brick with light dry dash render and the pitched roofs will be clad in charcoal tiles. The fenestration and powder coated steel balustrades will be coloured grey. All of the terraces and flats will have roof mounted solar PV panels.

Car parking includes 32 spaces in total with the terraces each being provided with a driveway. Included within the allocation are one disabled space and 5 on-street electric vehicle spaces. The developer has also advised that they will make a financial contribution to a Car Club space at a location to be agreed with the Council.

Bicycle storage is provided within secure internal stores on the ground floor of the flats, with space provided for 69 cycles.

Waste provision is catered for through internal bin stores located on the ground floor of the flatted blocks.

A total of 12 affordable units are to be provided on site (25%). They will all be provided within Block E and will be tenure blind.

Scheme 1

- Volume of road surface and parking spaces in central area reduced to provide more green space.
- Town houses pulled back from northern boundary.

Supporting Information

The following information has been submitted in support of the application:

- Design and Access Statement;
- Transport Statement;
- Daylight and Sunlight Study;
- Affordable Housing Statement;
- S1 Sustainability Form;
- Preliminary Ecological Appraisal Report;
- Preliminary Phase 2 Report;

- Bat Survey;
- Tree Report and
- Flood Risk Assessment and Drainage Strategy Report.

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) the principle of residential development is acceptable in this location;
- (b) the layout, scale and design are appropriate;
- (c) there will be any impact on residential amenity;
- (d) the proposal will give rise to any transport issues;
- (e) there are any issues in relation to flood prevention;
- (f) there are any issues in relation to trees and biodiversity;
- (g) there are any other infrastructure requirements;
- (h) there are any other material considerations and
- (i) any public comments have been addressed.

a) Principle

The application site is designated as urban area in the Edinburgh Local Development Plan (LDP). Policy Hou 1 (Housing Development) of the LDP permits housing development on sites within the urban area subject to the proposal being compatible with the other relevant policies.

The site was identified in the LDP Housing Land Study (June 2014) as having a high probability of being developed for housing in the short term. The Study estimated that the site has a potential capacity for 30 houses, and this figure was included in the LDP's windfall housing assumption.

b) Layout, Scale and Design

Policies Des 1 to Des 8 of the LDP outline a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area, with the need for high quality design which is appropriate in terms of scale, form, design and layout.

The proposed layout on site allows for the development blocks to be formed around a central greenspace with the road bounding its northern edge. The terraces and flats are laid out in linear forms with principal facades facing the centre of the site. This form of development will strengthen the existing street form at the end of Watertoun Road, replicating the existing residential situation of houses and flats addressing the road. The edges of the site will be laid out as gardens or green open space providing a green buffer to neighbouring properties.

The development proposes a density of approximately 58 units per hectare. This is medium density which is commensurate with nearby residential areas and delivers an appropriate mix of house types and sizes.

The scale and massing of the new build elements of the scheme have been carefully considered through the planning process. At present, the density of development, architectural styles and urban grain of the surrounding area is somewhat varied, with a predominance of two to three-storey houses and flats to the north-east and west of the site. The proposed development will be predominantly three storeys with one four-storey block of flats on the south of the site.

The topography of the site and the height of the proposed flats and townhouses will result in the development being taller than its immediate neighbours, in particular those to the north and east where the ground level slopes down away from the site. In this situation the apex of the roofs of the neighbouring properties are approximately the same height as the eaves of the proposal. A similar situation will also exist at the other side of the site with the relationship between the proposal and the neighbouring properties on Watertoun Road. Despite the height of the buildings, their layout within the site and the use of pitched roofs will help the proposal to sit comfortably within the established character of the area. The proposed scale and density are acceptable in this location, as it provides an efficient use of the site and supports the regeneration of previously developed land.

The design of the buildings is contemporary, utilising a limited palette of materials and incorporating rhythmic fenestration and simple features to give an ordered and clutter free appearance. The proposal demonstrates a clear design concept where the architecture includes modest contemporary elements which are appropriate in its context.

In summary, a clear layout has been provided that helps to integrate this site into the surrounding area. It is considered that the building heights and massing responds effectively to the surrounding context. The proposed height, massing and design are appropriate for the setting and are acceptable. The impact of the development on its setting has been assessed and the redevelopment of the site will not have a detrimental impact on the setting and wider townscape. The proposed development is an acceptable form of development in this location.

c) Residential Amenity

LDP policy Des 5 (Development Design - Amenity) 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 in relation to noise, daylight, sunlight, privacy or immediate outlook.

Amenity of Neighbours

A Daylight and Sunlight Assessment (DSA) has been submitted in support of the application. The DSA uses the vertical sky method to measure the impact of the development on the level of daylight to neighbouring developments. Of the neighbouring buildings evaluated, all residential elevations fully complied with the BRE guidance and the EDG in relation to the vertical sky method.

A daylighting/overshadowing study has been submitted in support of the application. The study shows that at the spring equinox the rear gardens of the properties on West Savile Terrace will lose some daylight in the morning but will be largely unaffected by 11:00. The rear gardens of the flats on Langton Road will also be affected by overshadowing from 15:00. However, the rear garden area is currently affected by some overshadowing at this time due to the existing trees within the St Crispin's site. More than half of the rear garden area will receive sunlight for more than four hours during the spring equinox and the impact of additional overshadowing from the proposed development will not significantly impact the amenity of the existing residents and is acceptable.

The proposed townhouses at the north of the site will have gardens longer than 10 metres and the communal garden area to the rear of flatted block E will provide a separation of approximately 11 metres from the rear of the building and the site boundary to the east. The development will be located a suitable distance from surrounding residential properties and will not create any issues in terms of privacy.

Amenity of Future Occupants

The floor area of the flats range from 52.5 to 107.5 sq/m and the townhouses from 153.6 to 173.6 sq/m. All unit sizes comply with the minimum floor areas set out in the Edinburgh Design Guidance (EDG). The guidance specifies that for developments of this scale, 20% of units should be designed for families, have a floor area above 91 sq/m and direct access to private gardens. All of the 23 townhouses proposed will meet these criteria (47% of the total units) while seven of the flats will also have three bedrooms with access to a shared garden area.

In terms of the amenity of future residents within the proposed development, daylight analysis has been submitted that demonstrates that all of the units will receive adequate daylight when assessed using the no sky line method. This complies with the EDG.

Areas of green space are provided throughout the development and approximately 25% of the total area will be laid out as green space. The townhouses will each have access to a private garden with the flats being provided with shared open space around their curtilage. Block B will have 22.5 sq/m of open space per flat and Block E will have 47 sq/m per flat. This is in excess of 10 sq/m per flat and the minimum requirement for 20% open space across the development as specified in policy Hou 3.

The EDG advises that half the area of new garden spaces should be capable of receiving potential sunlight for more than two hours during the spring equinox. The DSA demonstrates that all of the new garden spaces will achieve the recommended minimum amount of sunlight with the exception of the row of terraces on the northern section of the site. Due to the gardens being located immediately to the north of the townhouses, a large part of their gardens will be overshadowed for much of the day during the spring equinox. However, these properties have relatively large gardens, and the northernmost section of each garden will receive sunlight for two hours in the early afternoon. The proposed layout is otherwise acceptable and will introduce an appropriate urban form on a constrained site. Therefore, on balance, a departure from the guidance on this matter is justifiable.

d) Transport

There will be a total of 32 car parking spaces provided on site, one of which will be for disabled people and five on-street electric vehicle spaces. Policy Tra 2 (Private Car Parking) advises that lower provision will be pursued subject to a number of factors, including the site's accessibility and proximity to local amenities. The site is well located within convenient walking distance of bus stops and local amenities. Therefore, the level of car parking provided is adequate for a development of this nature and complies with Tra 2.

A total of 69 cycle parking spaces will be provided within secure locations on the ground floor of the apartment blocks. The level of cycle parking provision is in compliance with policy Tra 3 (Private Cycle Parking).

The Transport Statement submitted in support of the development advises that there will be a decrease in peak hour vehicles movements associated with the site as a result of the proposal. Overall, the transport measures are acceptable and in accordance with LDP policy and guidance.

e) Flood Prevention

LDP policy Env 21 (Flooding Prevention) states that planning permission will not be granted for development that would increase the risk of flooding or be at risk of flooding itself.

A significant number of objections to the proposal cite drainage as a concern. Reference is made to the allotments to south of the site and the lack of existing drainage as well as sporadic flood events within Watertoun Road during heavy rain events. The location of the flats and townhouses on the southern edge of the site are noted as a potential concern. This is due to the possibility of the structures preventing water from draining into the St Crispin's site as it does at present and forcing the water to back-up into the allotments.

A Drainage and Flood Risk Assessment has been submitted in support of the application. It is proposed that roof water will be diverted through the permeable paving systems within the driveways providing treatment and attenuation volumes within the site. A swale and filter trench located in the central space will provide effective attenuation of peak flow rates. In addition, the proposed levels layout plan shows that flow paths have been provided around the plots to the South boundary and away from the allotments.

The application proposes additional flood storage within the site and significantly reduces the offsite flood risk to all of the properties around the site and any flooding which does occur within the zones identified in the SEPA flood maps will be reduced.

The proposed limiting discharge rate to the combined network is in excess of the rate recommended in Flood Prevention's guidance. However, Flood Prevention has acknowledged the engineering challenges of the site, and that constraints and competing interests can make achieving their guidelines difficult and not possible for all developments.

Scottish Water has given technical approval to the discharge rate to the combined network, which will give at least a 25% betterment over the current discharge rate. Therefore, although the proposal does not fully meet flooding and drainage guidance, the development will provide a significant improvement to the existing unattenuated site.

The proposal is acceptable in terms of drainage and flood risk.

f) Trees and Biodiversity

Trees

There are a total of 36 trees within the site which were planted as part of the original landscaping for the school when it was built in the 1970s. As such, they are in early maturity for their respective species and in the region of 40 to 45 years old.

The development will result in the removal of 25 existing trees from the site, 18 of which are category B trees and 7 of which are category C trees. A total of 11 existing trees will be retained along the east and west boundaries.

To compensate for the loss of the trees, 34 new trees will be planted as part of the landscaping of the development. Of the new trees, 25 will be extra heavy standard which provide a more immediate effect to the landscaping than smaller less mature specimens. The new trees will be native species including Scots Pine, Crab Apple, Horse Chestnut and Wild Cherry. It is considered that the loss of the trees will be adequately compensated for through replacement planting.

Biodiversity

A Bat Survey and a Preliminary Ecological Appraisal Report have been submitted.

The Bat Survey advises that no bat roosts are predicted to be impacted as a result of development, and no further action is recommended in relation to bat roost mitigation. A low level of bat commuting and foraging activity was noted on the trees and foliage on the site boundaries. The Survey recommends that, where possible, trees are retained within the site as part of the design.

The Preliminary Ecological Appraisal Report advises that the most ecologically valuable habitats present within the site are the ornamental trees which line the boundaries. It recommends that these trees are retained as part of the development wherever possible.

The site layout means it is not possible to retain all of the existing trees. However, trees will be retained in the location of the main clusters on the site boundaries where they will continue to offer ecological value. The introduction of native trees and hedges will also introduce some additional habitat.

g) Infrastructure Requirements

Affordable Housing

A total of 12 affordable units are to be provided on site and located in a single block. The affordable units will comprise a mix of six one-bedroom flats, three two-bedroom flats and three three-bedroom flats. Housing Management and Development has been consulted and advised that as the market homes comprise 23 houses and 14 flats, with most having three bedrooms, the proposed mix of affordable housing is not representative of the market homes and therefore the scheme does not meet the expectations of the planning guidance on 'Affordable Housing'.

However, an affordable housing statement submitted in support of the application confirms that the applicant and RSL are working towards the delivery of all the affordable homes for social rent. This exceeds the planning guidance's expectation that at least 70% should be delivered for social rent.

Housing Management and Development does not object to the proposed provision of affordable housing on the basis that there is an opportunity to deliver all 12 of the required affordable homes for social rent, which is the Council's highest priority affordable housing tenure. They further advise that delivery of 12 homes for social rent in this part of the city would be extremely welcome and will meet a range of local housing needs in a part of the city where delivery of new affordable housing has been limited.

The affordable housing provision is acceptable and complies with policy Hou 6 (Affordable Housing).

The affordable housing units will be subject to a legal agreement.

Communities and Families

Communities and Families has advised that the proposed development falls within the 'Boroughmuir James Gillespie's Education Contribution Zone' set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018). The developer is therefore required to contribute towards the delivery of education infrastructure.

The required contribution is based on the established 'per house' and 'per flat' rates for the appropriate part of the zone. This equates to a total education contribution of £245,424 (indexed to the date of payment). The contribution will be sought via a legal agreement.

h) Other Material Considerations

Scottish Planning Policy (SPP)

The LDP was adopted more than five years ago and as a result, Scottish Planning Policy states that a presumption in favour of development that contributes to sustainable development will be a significant material consideration. Paragraph 29 of SPP sets out the 13 principles to guide policy and decisions:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The development proposes an appropriate and sustainable land use which will support the local economy. The scheme makes good use of the land available, and the design will create a sense of place. The site is within walking distance of local services and high-quality greenspaces. The proposal includes measures to assist with climate change mitigation, including limiting car parking, the provision of e/v chargers, ample cycle parking and solar panels on the roof of the building.

The proposed development therefore complies with the 13 SPP principles.

Equalities and Human Rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights

i) Public Comments

Ian Murray MP objection:

- Scale and density - addressed in section 3.3 b); and
- Traffic flow to and from the site will be different for a residential development to the existing school use - addressed in section 3.3 d).

Councillor Dickie objection:

- Density is inappropriate to the area - addressed in section 3.3 b);
- The layout and height will reduce natural light - addressed in section 3.3 c);
- Loss of privacy - addressed in section 3.3 c);
- Potential for flooding - addressed in section 3.3 e);
- Environmental impact, including the removal of 70% of the trees - addressed in section 3.3 f); and
- Increased traffic and parking issues - addressed in section 3.3 d).

Grange/Prestonfield Community Council objection:

- Density is too high - addressed in section 3.3 b);
- Loss of trees - addressed in section 3.3 f); and
- Amendments are an improvement but do not fully address concerns.

Public Comments objection:

- Development will increase the flooding of the neighbouring allotments - addressed in section 3.3 e);
- Too few parking spaces will result in overflow parking - addressed in section 3.3 d);
- Increase in traffic and pollution - addressed in section 3.3 d);

- Access and roads within the site are too narrow - addressed in section 3.3 b) and d);
- Scale and massing are inappropriate - addressed in section 3.3 b);
- Lack of open space - addressed in section 3.3 b) and c);
- Loss of daylight and sunlight to neighbouring properties - addressed in section 3.3 c);
- Proposal is too near to neighbouring properties - addressed in section 3.3 b) and c);
- Loss of privacy - addressed in section 3.3 c);
- Loss of existing trees and impact on local biodiversity - addressed in section 3.3 f); and
- Lack of EV charging provision - addressed in section 3.3 d)

Conclusion

The proposal complies with the development plan. The development responds effectively to the surrounding context, draws upon the positive characteristics of the area and is acceptable in terms of its scale, form and design. There will be no unacceptable impacts on residential amenity, road safety or flooding prevention. Mitigation will be provided to offset the impact on trees and biodiversity. The proposal is acceptable and 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. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
3. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

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

Reasons: -

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that the approved landscaping works are properly established on site.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement or Memorandum of Understanding relating to education and affordable housing has been concluded and signed. The legal agreement/Memorandum of Understanding shall include the following:

Education - A sum of £245,424 (indexed to the date of payment).

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

5. The applicant should 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. This does not require to be included in any legal agreement.
6. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed and to include extension of the 20mph speed limit.
7. The applicant should note that the Council will not accept maintenance responsibility for underground water storage/attenuation.
8. The applicant should consider developing a Travel Plan including public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), and timetables for local public transport.
9. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
10. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

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:

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application has attracted a total of 166 objections, including from Ian Murray MP, Councillor Dickie and the Grange/Prestonfield Community Council.

A summary of the comments is contained in the assessment.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is designated as urban area in the Edinburgh Local Development Plan.

Date registered

20 July 2021

Drawing numbers/Scheme

01, 02A-04A, 05B, 06A-09A, 10, 11B-13B, 14-24, 25A, 26-31,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

Appendix 1

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Consultations

Affordable Housing

1. Introduction

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

Housing Management and Development are the consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

- Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.
- 25% of the total number of units proposed should be affordable housing.
- The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

This application is for a development consisting of 49 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (12) homes of approved affordable tenures.

The affordable housing will be comprised of six one-bedroom flats, three two-bedroom flats and three three-bedroom flats. They will be in a contained block at the eastern end of the site. The homes will be well integrated into the site and tenure blind, with a very similar design to the flatted block of market housing.

The planning guidance on 'Affordable Housing' states that 'the proportion of housing suitable for families with children included within the affordable element should match the proportion of such housing on the wider site and a representative mix of house types and sizes should be provided'.

Although there is a good range of home sizes, the affordable housing is not representative of the market homes. The market homes comprise 23 houses and 14 flats, with most having three bedrooms and being suitable for larger families. It is disappointing that the applicant did not develop a scheme that included a mix of affordable houses as well as flats.

The less than representative mix of affordable housing was raised with the applicant. In response, the applicant amended the scheme to provide an additional three-bedroom flat on the ground floor with direct access to garden space. This increased the number of three-bedroom homes from two to three. Although the scheme's mix has been improved it still falls short of what is expected by the guidance.

The applicant has engaged with an RSL who has provided a letter of support. The RSL is supportive of the mix and the proposal will help to address local housing needs. It is acknowledged that a single flatted block will be easier for an RSL to manage.

The applicant and RSL have confirmed that they are working towards the delivery of all the affordable homes for social rent. This exceeds the planning guidance's expectation that at least 70% should be delivered for social rent. It should be noted that at pre-application stage the applicant was considering delivering all the affordable homes for mid-market rents so there has been a significant improvement in terms of tenure.

The delivery of 12 homes for social rent in this part of the city would be extremely welcome. Social rent is the Council's highest priority affordable housing tenure. The proposal will meet a range of local housing needs in a part of the city where delivery of new affordable housing has been limited.

On balance, Housing Management and Development does not object to the proposed provision of affordable housing on the basis that there is an opportunity to deliver all 12 of the required affordable homes for social rent. The model legal agreement requires an applicant to confirm and agree the affordable housing tenure with the Council prior to the commencement of works.

The affordable homes are required to be fully compliant with latest building regulations. The design of affordable housing should be informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides and we require that applicants work with the Council and RSL's to achieve this.

An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach will assist in the delivery of a mixed sustainable community.

The affordable housing will comprise of six one-bedroom flats, three two-bedroom flats and three three-bedroom flats. The market homes comprise 23 houses and 14 flats, with most having three bedrooms. The proposed mix of affordable housing is not representative of the market homes and therefore the scheme does not meet the expectations of the planning guidance on 'Affordable Housing'.

The applicant and RSL have confirmed that they are working towards the delivery of all the affordable homes for social rent. This exceeds the planning guidance's expectation that at least 70% should be delivered for social rent.

On balance, Housing Management and Development does not object to the proposed provision of affordable housing on the basis that there is an opportunity to deliver all 12 of the required affordable homes for social rent.

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

Communities and Families

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

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

Assessment and Contribution Requirements

Assessment based on: 23 Houses & 14 Flats (12 one bedroom flats excluded)

This site falls within Sub-Area BJ-2 of the 'Boroughmuir James Gillespie's Education Contribution Zone'.

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

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

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

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

Total infrastructure contribution required: £245,424

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.

Flood Prevention

This application can proceed to determination, with the following comments to note.

1. We acknowledge the engineering challenges of the site, other constraints and competing interests that make achieving our guidelines difficult and not possible for all developments. The planning committee and case officers may need to consider other constraints and although the development does not fully meet our flooding and drainage guidance, the development will provide betterment to the existing unattenuated site.
2. The proposed limiting surface water discharge rate from the site is higher than our guidelines request. This discharge rate to the combined network has however been accepted by Scottish Water. During the detailed design and construction phases, we would encourage the applicant to continue to engage with Scottish Water to determine whether there are any opportunities to further reduce the surface water discharge rate from the site.
3. We encourage the use of water butts on site. We support the proposed additional swale and increased capacity of the filter trench/planted swale feature. The applicant has demonstrated the 1:200-year return period storm event, including a 40% climate change allowance, can be managed on site.
4. We accept and require the use of permeable paving in the private driveways and inclusion of water butts on roof downpipes as a requirement, and that they are written into the title deeds.

Transport

Summary Response

No objections subject to appropriate conditions and informatives.

Full Response

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

1. The applicant should 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. This does not require to be included in any legal agreement;

2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed and to include extension of the 20mph speed limit;

3. The applicant should note that the Council will not accept maintenance responsibility for underground water storage/attenuation;

4. The applicant should consider developing a Travel Plan including public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), and timetables for local public transport;

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. 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

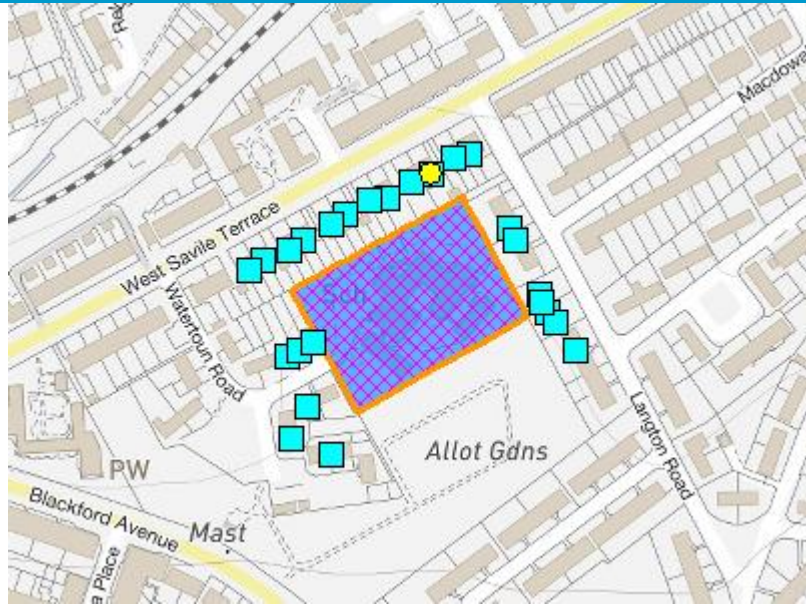
Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with

Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

Note:

The proposed 69 cycle spaces and 32 car spaces (including 1 disabled and 5 on-street electric vehicle charging spaces) are considered acceptable.

Location Plan



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