

Development Management Sub Committee

Report returning to Committee - Wednesday 14 August 2019

Application for Planning Permission in Principle 14/01177/PPP

At 7, 11, 13 Eyre Terrace, Edinburgh, EH3 5ER

Planning permission in principle for mixed use development. Retail (class 1); financial, professional + other services (class 2); food + drink (class 3); business (class 4); hotels (class 7); residential (class 8, 9 + sui generis), car parking, access + other works, approval of siting + maximum height of principal building block, points of vehicular/pedestrian access + egress.

Item number

Report number

Wards

A05 - Inverleith (Pre May 2017)

Recommendations

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

Background information

The application was granted by Development Management Sub-Committee on 25 February 2015 subject to a legal agreement requiring a financial contribution for educational infrastructure, affordable housing, transport infrastructure and Tree Management. This legal agreement was never concluded despite reminders, and so planning permission has never been issued and the application is still 'live'. In the meantime, there have been new materials planning considerations which means that the application needs to be re-assessed. The duty to consider all material considerations continues until the time a grant or refusal is made, whether or not the resolution to grant is subject to a legal agreement.

On 19 June 2019 the Development Management Sub-Committee considered the application in the context of the new material planning considerations. The application was continued in order to provide more information in relation to changes in Local Plan Policy since the applications consideration of the proposal by DM Sub-Committee in 2015 and whether financial contributions towards Health Care infrastructure can be provided.

Main report

New material planning considerations

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

a) Edinburgh Local Development Plan

The application was originally assessed under the Edinburgh City Local Plan; it now falls to be assessed under policies of the Local Development Plan. The proposals have been assessed under the LDP.

The key policy changes since the determination of the application assessed under the Edinburgh City Local plan are as follows:

LDP policy Ret 6 part d) states that out of centre retail developments will be permitted if the site is or can be made easily accessible by a choice of transport modes and will 'reduce' the length and overall number of shopping trips made by car. As the development will serve the local area and occupiers of the new development, shopping trips to the retail element of the proposal would be reduced.

The site is also accessible to a number of modes of transport and a Travel Plan will be required to encourage the use of public transport, walking and cycling.

LDP policy Emp1 states that office development may be considered in other mixed use locations where it is compatible with the accessibility of the location by public transport and is compatible with the character of the local environment. The site is within close proximity to existing public transport and the proposed tram route and the uses would be compatible in the mixed use area.

The Guidance on Heat Mapping Opportunities have been introduced to the LDP in policy Des 6 (Sustainable buildings). Any subsequent AMC application will address the need to take account of the Guidance on Heat Mapping Opportunities.

The proposals would accord with LDP policy.

b) Financial contributions in relation to Health Care provision

The site does not fall within the developer contribution zone (as set out the in Finalised Developer Contributions and Infrastructure Guidance) requiring financial contributions for Health Care. Financial contributions towards this cannot therefore be sought.

c) Revised Conditions and Informatives

The proposed conditions and informatives are as follows:

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of works on site, details of the undernoted matters shall be submitted to and approved by the Council as planning authority, in the form of a detailed layout to include detailed plans, sections and elevations of the buildings and all other structures, landscaping, road access and parking details.

Reserved matters:

- (a) the number of residential units to be developed;
- (b) the gross floorspace of commercial units;
- (c) the gross floorspace of the offices;
- (d) the gross floor area and number of bedrooms of the hotel and residential institution;
- (e) the precise location and extent of individual uses;
- (f) detailed design of buildings including all external features, glazing specifications (including acoustic capabilities), and materials;
- (g) the precise position of the principal block and height of the principal block above 4 storeys;
- (h) design and configuration of public realm, public and private open spaces, all external materials and finishes;
- (i) car and cycle parking, access, road layouts and alignment and servicing areas i.e. detailed design of roads, footpaths and cycle routes;
- (j) a Quality Audit as set out in Designing Streets;
- (k) waste management and recycling facilities;
- (l) drainage Strategy, Flood Risk Assessment and Surface Water Management Plan;
- (m) sustainability details, including drainage system i.e. sustainable urban drainage systems;
- (n) cross sections of the site and existing and finished ground levels in relation to Ordnance Datum;
- (o) daylighting information - assessment as per Edinburgh Design Guidance;
- (p) details of the ventilation systems and sound insulation properties or sound transmission characteristics of the structures for Class 3 (Food and Drink) and Class 7 (Hotel);

(q) detailed landscape plan of hard and soft landscaping details, including:

- I. Layout and design including walls, fences, gates and any other boundary treatments;
- II. Location of new trees, shrubs, hedges and grasses;
- III. A schedule of all plants to comprise species, plant size and proposed number/density;
- IV. Programme of completion and subsequent maintenance;
- V. Existing and proposed services such as cables, pipelines, substations;
- VI. Other artefacts and structures such as street furniture, including lighting columns and fittings;
- VII. Details of hard landscaping;
- VIII. Landscape Management Plan including schedule for implementation and maintenance of planting scheme;
- IX. Tree protection measures (for the appropriate trees in King George V Park);
- X. External lighting, including floodlighting and/or street lighting, arrangements for the development; and

- XI. Details of phasing of these works.
 - (r) A masterplan or framework document for the whole site to be submitted with the first AMC application if the site is to be developed in phases.
 - (s) Flood prevention and drainage.
 - (t) Air quality and pollution.
- 2. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
- 3. 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.
- 4. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
- 5. The detailed siting and design of the development shall be carried out in substantial accordance with the principles set out in the Feb 2015, Eyre Terrace, Arboricultural Survey Report. Development shall not commence until full details of tree protection measures, including method statements and scheme of Arboricultural supervision (confirming the qualified arboriculturalist appointed to oversee all Arboricultural works) have been submitted to and approved in writing by the Head of Planning and Building Standards.
- 6. Prior to the commencement of development, the approved tree protective measures, will be implemented and maintained for the duration of the construction period. No unauthorised materials, equipment or building shall be located or stored within the construction exclusion zone, nor shall any unauthorised access or trenches be taken through it.
- 7. No development shall take place until the applicant has demonstrated that Scottish Water agrees that the development will connect to the combined sewer.

8. No development shall take place until a scheme for protecting the residential and hotel development hereby approved from noise from any approved Class 1 (retail), Class 2 (financial and professional services), Class 3 (food and drink), or Class 4 (office) use has been submitted to and approved in writing by the Council as planning authority; all works which form part of the approved scheme shall be completed before any part of the residential and hotel development is occupied.
9. No development shall take place until a scheme for protecting the residential and hotel development from noise arising from the existing commercial and transport noise has been submitted to and approved in writing by the Council as planning authority; all works which form part of the approved scheme shall be completed before any part of the hotel and residential development is occupied.
10. Each application for approval of matters specified in condition 1 shall be accompanied by a phasing plan for the development of the site. The phasing plan shall identify the car parking, individual blocks with associated landscaping, open space, and surface water management plan to come forward as part of the development and show how these matters relate to the wider development.

Reasons:-

1. To ensure a high quality development.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard protected trees.
5. In order to safeguard protected trees.
6. In order to safeguard protected trees.
7. To ensure adequate drainage provision is provided.
8. In order to protect the amenity of the occupiers of the development.
9. In order to protect the amenity of the occupiers of the development.
10. In order for the Council as planning authority to consider this matter in more detail.

Informatives

It should be noted that:

1. Permission should not be issued until a suitable legal agreement has been concluded covering the following matters:
 - Affordable Housing
 - 25% of any residential units (if more than 11 units) provided to be of Affordable Housing tenure;
 - Transport Infrastructure
 - a contribution of £2,000 (per order) to progress the necessary traffic order(s);

- provide two public parking spaces, location to be agreed in writing by the Head of Planning and Building Standards and the Head of Transport, to offset the loss of spaces on Eyre Terrace;
 - Education
 - a contribution of £980 per flat (Q4 2017 prices to be index linked) towards increasing non-denominational primary school capacity and £6536 per house (2017 Q4 prices to be index linked) towards increasing non-denominational secondary capacity.
 - Trees
 - before development commences, a tree management plan to be prepared (and agreed by the Council) identifying any works required to the trees adjacent to the site boundary as a result of the development over an agreed timespan. Any necessary works, including tree removal or surgery, shall be undertaken at no cost to the Council.
2. The development hereby approved relates to the principle of forming a mixed use development on this site and gives no approval to the specific mix or sizes of uses or to the positioning of the principal block/to the layout as proposed on the plans.
 3. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

 b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
 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. Detailed drainage of the proposed drainage system and surface water management plan must be provided to the City of Edinburgh Council (CEC) and undertaken with regards to CEC guidance and all statutory guidance from other sources for the proposed development area. Refer to CEC Flood Prevention's consultation response available at www.edinburgh.gov.uk/planning).
 7. As the development is located in Zones 1 to 8, they will not be eligible for residential parking permits 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 A - New Build).
 8. The proposed pedestrian route within the site and parallel to King George V Park to be to an adoptable standard including suitable lighting and drainage as required.
 9. The access to any car parking area is to be by dropped kerb (i.e. not bell mouth).

10. Cycle parking will be expected to be provided in a secure and undercover location to the Council's current standards. The design, layout and specification to be to the satisfaction of the Head of Transport.
11. Any gate or gates must open inwards onto the property.
12. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured.
13. 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
14. 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 Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.
15. The proposed deletion of on-street parking spaces to accommodate the ramp access will require justification and is not approved at this stage. Any loss of on-street parking places will be expected to be compensated for elsewhere. Any amendment to the existing on-street parking layout will require a contribution of £2,000 to progress the necessary order.
16. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
17. The design, installation and operation of any lift (passenger or otherwise) shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
18. For the avoidance of doubt, the following has been agreed:
 - a mixed use development - but not specific mixes or the amount or location of uses;
 - positioning of the building blocks (subject to the identified lines of deviation); and
 - height - up to four storeys.

Conclusion

The proposed mixed use development does not raise any new policy issues. Subject to the consideration of the reserved matters and the conclusion of an appropriate legal agreement the proposal accords with the development plan.

Links

Policies and guidance for this application

LDPP, LEN02, LEN05, LEN06, LDEL01, LDES01, LDES03, LEN01, LEN09, LEN21, LEN18, LHOU01, LHOU06, LEMP01, LRET06, LDES05, LDES04, LTRA02, LTRA03, LTRA04, NSG, NSLBCA, NSGD02,

A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=N31UVXEW0GY00>

Or Council Papers online

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