

Development Management Sub-Committee Report

Wednesday 29 June 2022

**Application for Planning Permission
10 Orchard Brae, Edinburgh, EH4 1PF**

Proposal: Proposed residential and office development comprising the change of use, extension and alteration of the existing office building to form residential accommodation and office/ co-working space, demolition of the existing rear extension and erection of a new build residential development, with associated active travel routes, open space, parking and other infrastructure (as amended).

**Item – Committee Decision
Application Number – 21/06512/FUL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals comply with relevant policies of the Local Development Plan (LDP). The principle of a mixed use residential and office development in this location is acceptable. The total onsite provision of private green space does not fully comply with LDP Policy Hou 3. However, a significant level of green space is provided, and this can reasonably be supplemented by nearby public green space. This is a minor infringement of policy. A satisfactory residential environment is achieved for future occupiers.

The scale form and design of the proposed new build element of the scheme is in keeping with the pattern of the surrounding area. The scale of the proposed extension to the refurbished building is in keeping with the existing structure and complies with policy. The proposal will not have a detrimental impact on neighbouring amenity. The proposal will result in some overshadowing of neighbouring gardens. However, the level of sunlight achieved in these spaces still complies with guidance.

Twenty five percent of the proposed residential units are to be affordable tenure and subject to compliance with conditions, the proposals are acceptable.

SECTION A – Application Background

Site Description

The site extends over approximately 0.845 hectares and is currently comprised of an existing unoccupied eight storey office building constructed in the 1960's (Finance House) fronting Orchard Brae, with a large five storey extension added in the 1970's to the rear. There are currently 166 car parking spaces at the lowest level of the existing building, accessed from Learmonth Gardens to the east.

The existing 1960's building directly faces Orchard Brae. The rear side of the site, mainly occupied by the 1970's extension, forms a dead end on both edges with Learmonth Crescent on the north-west and Learmonth Gardens on the south-east.

The surrounding context is mixed in terms of height, scale and architectural form. Building heights range from 1.5 to nine storeys in height. Orchard Brae House, a nine-storey office block to the south-west of the site is a dominant land mark in the area; however building heights surrounding the site typically range between three and six-storeys.

To the south of the site a six-storey residential flat block is located on Learmonth Court. A six-storey block is also located to the north-west of the site on Orchard Brae Avenue. On Learmonth Crescent, the properties are predominantly formed by three storey terraced flats plus roof. Similarly, Learmonth Avenue also presents similar building heights but alternating with four storey residential blocks plus roof that face directly onto the application site.

There are listed buildings in the vicinity of the site although the majority of these are screened from view by intervening buildings. The B Listed Flora Stevenson Primary School and Schoolhouse, Comely Bank (LB30045) is located to the north of the site. The group B Listed 4-23 Comely Bank is located further to the north-east of the site. The A Listed Learmonth House at 25 Learmonth Terrace (LB29248) is located to the south of the site and the group B Listed 9-24 (inclusive numbers) Learmonth Terrace (LB29247) is further to the south-east. The B Listed Bristo Baptist Church (LB26758) and Dean Parish Church (LB47354) are located further to the south at Dean Path. There are also additional B Listed buildings at 35-40 (inclusive numbers) Buckingham Terrace, And 10a Belgrave Place (LB28406) and a C Listed building at 69 Dean Path, the Former Dean Cemetery Gate Lodge (LB51394). Further to the south south-west, there are A Listed buildings at Dean Cemetery including Gate Lodge, Boundary Walls and Gates (LB27924) and Stewart's Melville College, at 3 Queensferry Road (LB27967).

The site is not in a Conservation Area. The Edinburgh World Heritage Site Boundary, the Dean Conservation Area, the New Town Conservation Area, and the New Town Gardens Designed Landscape are all located further to the south of the site. The Inverleith Conservation Area is located further to the north-east.

Description of the Proposal

The proposals are for the change of use and alteration of the eight-storey block and the demolition of the five storey 1970's extension to form a mixed use residential development comprising a mix of flats and duplexes with main door access. The development will be formed by 151 residential flats with associating landscaping and private amenity space.

The refurbished structure will provide space for 86 flats and 282 square metres (sqm.) of Class 4 office/co-working space. A new build residential building will replace the demolished 1970's extension. The new build 'L' shaped residential structure will range in height from three to five storeys and will provide 65 residential units. Thirty-eight units are proposed as affordable units. The total accommodation provided in both the refurbished and new build elements of the scheme is as follows:

Studio units - 4 (3%)
One bed units - 33 (22%)
Two bed units - 73 (48%)
Three bed units - 10 (7%)
Three bed (plus) units - 31 (21%)

The proposed refurbishment of the existing structure includes extensions to the north and south sides of the building. The proposed extension to the north will project an additional 11.1 metres from the existing building at its furthest extent and 7.3 metres at its least. The proposed extension to the south will project an additional 11.5 metres at its furthest extent and 7.5 metres at the lesser extent. The external finishing of the existing structure will include a combination of reconstituted stone and bronze toned metal cladding and detailing. The new build will be formed of white toned buff brick and bronze toned metal cladding. Both structures will have green roofs.

A range of private and communal green space is proposed. In total 2303 sqm. of the site will be covered by greenspace, including extensive green roof coverage on both the existing building and the new build element of the scheme. This represents twenty seven percent of the site. The construction of a new road is proposed, continuing Learmonth Crescent to the south and connecting it with the west side of Learmonth Gardens. The new road will be pedestrian friendly and access to vehicles will be limited to emergency services. The proposals introduce a new universally accessible east-west public footpath which will connect Learmonth Gardens with Orchard Brae. Landscape plans show that main entrances into both Finance House and the new build units to the east are fully accessible without the need for stairs.

Landscaping plans also include the introduction of public benches and informal timber play elements. The provision of a new path through the site, the demolition of the existing rear of the building and the formation of a new build structure will result in the loss of 34 trees. 37 new trees are proposed. New hedge and ornamental planting is also proposed. Existing security fencing will be removed at the lower level and a new 1.8 metre powder coated weld-mesh fence with climbers will be introduced.

A total of 32 car parking spaces are proposed. There are 22 spaces within an internal car park at basement level and 10 spaces externally. This includes three accessible parking spaces and seven spaces with EV charging points. Six motorcycle spaces are proposed along with 380 cycles spaces. Cycle spaces are comprised of a mix of two tier racks and Sheffield Stands. Two tier racks will provide space for 302 standard bikes, whilst the Sheffield stands will provide spaces for 56 standard bikes and 22 non-standard bikes.

Supporting Information

- Air Quality Report
- Bat Survey
- Drainage Strategy and Surface Water Management Plan
- Energy Strategy
- Landscape Maintenance and Management Schedule
- Transport Statement
- Noise Impact Assessment
- Planning Statement
- Pre-Application Consultation Report
- Preliminary Ecological Assessment
- Solar Shading and Daylight Study
- Tree Survey
- Design and Access Statement
- Visual Impact Assessment
- Site Investigation Report
- 3D Visualisations

Amended Scheme

The proposal has been amended to reduce the height of the northern extension by two storeys in response to adjacent neighbouring buildings. The revised scheme also removes one storey from Block E of the proposed new build element of the scheme. The revised proposal reduces the number of residential units by three to 151. The proposed scheme removes the proposed use of vertical bike stands and removes surface car parking from the principal elevation and introduces new landscaping.

Relevant Site History

21/05926/SCR
10 Orchard Brae
Edinburgh
EH4 1PF

Request for EIA Screening Opinion in respect of Proposed Residential and Office Development.

EIA Not Required
1 December 2021

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Transportation Planning

Flood Planning

Affordable Housing

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 21 December 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 90

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Setting

The nearest listed building is 25 Learmonth Terrace which is located 200 metres to the south of the site but is screened by several buildings. Given the distance of the site from any surrounding listed buildings and the level of screening provided by existing buildings the proposed development will not have an impact on the immediate setting of any listed building. A Visual Impact Assessment has also considered the impact of the proposed development on more distant views. The proposed development will not interrupt or impact on planned or established views and vistas. This is discussed in more detail in section (b) and (c).

The proposal will not impact the setting of any listed buildings.

Conclusion in relation to the listed building

The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

The Dean Conservation area is located to the south of the application site. The Dean Conservation Area Character Appraisal emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high-quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

A Visual Impact Assessment was undertaken to consider the potential impact of the development on views across the city. Viewpoint 5 shows the proposed development from Inverleith Park. This viewpoint offers a panoramic view of the city with important views of St Marys Church and the spires of Stewart Melville College which is within the Dean Conservation Area.

Although the proposal includes an extension to the roof of the existing building, the height of the building remains consistent with the current height. The visual impact will be limited due to the muted bronze tone of the proposed roof profile. The spires of Stewart Melville will remain visible and the impact minimal. The Proposal will not have a detrimental impact on the setting of the Dean Conservation Area.

The New Town Conservation Area is also located to the south of the application site. The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions. As noted above, the proposed alterations to the existing building remain consistent with the current height of the building. The proposed development will be screened from the Conservation Area boundary by adjacent neighbouring buildings. The proposal will not impact the New Town Conservation Area.

Conclusion in relation to the conservation area

The proposal will not have a detrimental impact on the Dean or New Town Conservation Areas and is acceptable in this regard.

c) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design Policies Des 1, Des 4, Des 5, Des 6, Des 7, Des 8, Des 12
- LDP Housing Policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 5, Hou 6
- LDP Environment Policies Env 6, Env 9, Env 12, Env 16, Env 21, Env 22
- LDP Transport Policies Tra 2 and Tra 3
- LDP Employment Policy Emp 9
- LDP Delivery Policy Del 1

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies as is the New Town Conservation Area Character Appraisal and the Dean Conservation Area Character Appraisal. Supplementary Guidance set out in City of Edinburgh Council's Developer Contributions and Infrastructure Delivery is also a material consideration.

Impact on Conservation Areas

LDP Policy Env 6 - Conservation Areas - Development states that development within a conservation area or affecting its setting will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The potential impact of the proposed development on the setting of the Dean and New Town Conservation Areas has been considered in section (a) above. The proposal will not have a detrimental impact on the setting of neighbouring conservation areas. The proposal complies with Env 6.

Principle

Policy Hou 1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan. The application site is defined as being part of the urban area in the adopted LDP. The principle of residential development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan.

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. In this instance the proposal will make use of a vacant building and introduce a mixed-use residential development in an area which is predominantly residential. The proposal will not inhibit surrounding commercial uses. The proposal complies with Policy Emp 9.

Policy Hou 5 (Conversion to Housing) of the Edinburgh Local Development Plan (LDP) states that planning permission will be granted for the change of use of existing buildings in non-residential use to housing provided that a satisfactory residential environment can be achieved; housing would be compatible with nearby uses; appropriate open space, amenity and car and cycle parking standards are met; and the change of use is acceptable having regard to other policies in the plan. These are assessed below:

Residential amenity and open space

Policy Des 5 Development Design (Amenity) states that planning permission will be granted for development that ensures future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

The Edinburgh Design Guidance sets out minimum internal floorspace requirements for new residential development and guidance in relation to sunlight, daylight and privacy expectations.

All proposed residential units meet or exceed the minimum internal floorspace requirements set out in Edinburgh Design Guidance (EDG) with the exception of three one bed units. The minimum internal floor area recommended for one bed flats is 52 square metres. In this case three of the one bed units will have an internal floor area of fifty square metres. To increase these to make them compliant would result in the loss of space required to accommodate the low carbon heating comprised in the air source heat pump rooms. On balance a minor infringement of guidance is acceptable. Ninety of the one 151 units are shown as dual aspect. This exceeds the 50% recommendation set out in EDG. A daylighting assessment provided in support of the application shows that all proposed residential units will receive adequate levels of daylight in line with recommendations set out in guidance.

In total 27% of the site is to be covered by green space with a combination of rain garden planting, private gardens and communal space. Policy Hou 3 requires a provision of 10 sqm. of communal space per flat. For a 151 flat development this would equate to 1510 sqm. Fifty-three of the proposed residential units will have access to private gardens, a private terrace or a balcony. This leaves 98 units fully reliant on communal provision. The proposal includes approximately 605 sqm. of communal green space and 213 sqm. of space linked to communal terraces within both the refurbished building and the new build. This falls short of the 10 sqm requirement. It is possible that the level of useable greenspace could be increased but this would potentially result in the loss of tree planting and wider rain garden planting to the detriment of the scheme as a whole.

On site communal green space can reasonably be supplemented with open space available at Inverleith Park which is an eight to ten minute walk from the site. A minor infringement of Policy Hou 3 is acceptable in this instance.

The applicant has provided details relating to waste management. A waste management strategy must be agreed with CEC Waste Services.

The proposal will provide a satisfactory residential environment for future residents.

Nearby uses

The surrounding area is residential with a mix of commercial uses. The proposed residential use will be compatible with this character.

Car and Cycle parking

Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. A total of 348 cycle spaces are required for the proposed residential development and three spaces are required for the office. The proposal includes 380 cycle spaces in total. This includes the use of Sheffield and two-tier racks. The scheme originally included semi-vertical racks but this element has been removed from the amended scheme. Edinburgh Street Design Guidance recommends a maximum of 80 % of cycle parking is covered by one type. In this case two tier racks represent 79 % of the cycle parking provided. Sheffield racks make up the rest of the cycle parking provided. Six percent of the cycle parking will accommodate non-standard bikes. Guidance on cycle parking states that the use of two tier racks is appropriate where space is limited and sites are constrained. The guidance recommends a 50/50 split of two tier racks combined with other forms of parking. As two tier racks represent 79 % of the cycle parking proposed, this is an infringement of the guidance. Approximately two thirds of the basement level is given over to car and cycle parking with external cycle stores also part of the scheme. Meeting the significant level of cycle parking required with Sheffield racks would potentially result in a loss of up to eight residential units or the further loss of external amenity space. Given the limited space on site, an infringement of the guidance is appropriate in this instance.

Six motorcycle spaces are provided and 32 car parking spaces. The Roads Authority has confirmed that the level of car parking provision is acceptable given the accessibility of the site by public transport. Three accessible parking spaces are provided and seven space have EV charging points.

The Roads Authority has confirmed that the level of parking provided complies with Policy Tra 2 and Tra 3. The Roads Authority raised no objection in relation to road safety and have not requested any network upgrades to support the proposed development.

The proposals comply with policy Hou 5, Tra 2 and Tra 3.

Density and Housing Mix

LDP Policy Hou 2 states out that the Council will seek a mix of house types and sizes where practical to meet a range of housing needs, including those of families, older people and people with special needs. Policy advises this will have regard to the character of the surrounding area and accessibility.

LDP Policy Hou 4 - Housing Density, states the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area; the need to create an attractive residential environment and safeguard living conditions within the development; the accessibility of the site includes access to public transport and the need to encourage and support the provision of local facilities necessary to high quality urban living.

Policy Hou 6 states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be on-site.

The proposal does not include a mix of house types. All units will be provided within flatted blocks. However, the scheme does propose main door duplexes as well as standard flats. A range of sizes are also proposed within the scheme ranging from studio apartments and 1-bed, 2-bed and 3-bedroom units. Twenty-three percent of the proposed units exceed 91 sqm. which exceeds the 20 % recommended in EDG. The proposed units will therefore be capable of catering for a range of housing needs.

The size of the site is 0.845ha and the proposal is for 151 dwellings. This constitutes a density of 177 dwellings per hectare, which is typically described as a high density. The surrounding area is relatively high density with a number of tenements neighbouring the site. Historic tenemental developments such as those in Gorgie achieve densities of 288 dwellings per hectare. 177 dwellings per hectare in a city location is reasonable.

High density development helps Edinburgh be a compact and vibrant city. The density is considered appropriate to the immediate site conditions and to the neighbourhood. It meets the Council's expectations in relation to issues of open space, impact on landscape character, unit mix, daylight, sunlight, privacy, outlook, car parking requirements, waste management and the design and site layout of the development itself. This indicates that the proposed density is appropriate.

The applicant has made a commitment to provide 25% on site affordable housing which represents 39 units in this case. The mix proposed is comparable to the market housing being provided across the site.

The Council aims to secure 70% of new onsite housing for social rent and the applicant has entered into an early dialogue with the Council and three RSLs regarding the mix, which is likely to consist of a majority of social rent and some mid-market rent. This element of the scheme will be secured by a Section 75 Legal Agreement.

Scale, Form and Design

LDP Policy Des 1 - Design Quality and Context, states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning Permission will not be granted for poor quality or inappropriate design of for proposals that would be damaging to the character or appearance of the area around it.

LDP Policy Des 4 - Development Design - Impact on Setting, notes that where surrounding development is fragmented or poor quality, development proposals should help repair urban fabric, establish model forms of development and generate coherence and distinctiveness, i.e. a sense of place. These requirements are further reinforced through the Edinburgh Design Guidance.

LDP Policy Des 7 - Layout Design - supports development which takes a comprehensive and integrated approach to the layout of buildings streets open spaces, public paths and SUDs features. Layouts should encourage cycling and walking, promote safe access throughout the site and have regard for the needs of people with limited mobility.

LDP Policy Des 8 - Public Realm and Landscape Design - states that planning permission will be granted for development where all external spaces, and features, including streets, footpaths, civic spaces, green spaces boundary treatments and public art have been designed as an integral part of the scheme as a whole.

LDP Policy Des 12 - Alterations and Extensions states planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building and will not be detrimental to neighbourhood amenity and character.

The Edinburgh Design Guidance establishes keys aims for new development including:- the need to have a positive impact on the immediate surroundings; the wider environment; landscape and views, through its height and form; scale and proportions; materials and detailing; positioning of buildings on the site, integration of ancillary facilities; and the health and amenity of occupiers.

Layout, Scale, Form and Design

Although visually prominent, the existing 1960s building and 1970s extension do not make a positive contribution to the area. The external finish is not in keeping with the wider area and the ribbon windows of the main block sit awkwardly against the slope of the road. The existing massing further detracts from the area by creating dead ends which are fenced off at Learmonth Crescent and Learmonth Gardens.

Ground levels make an architectural response to the area complex, as any building must respond to a range of building heights. There is 6.75 metre level difference from Queensferry Road to the south of the site and Learmonth Crescent to the north. Proposed development must respond to surrounding built forms to the south and west which are typically higher, ranging from four to nine storeys. To the north and east buildings on Learmonth Crescent and Learmonth Gardens are typically three to four storeys.

The proposal seeks to address these issues in a number of ways. First, through the demolition of the existing 1970s rear extension and the construction of a new 'L' shaped building which will in effect connect Learmonth Crescent and Learmonth Gardens. Owing to its scale and proportion the existing 1970s building does not integrate successfully with the buildings within Learmonth Crescent. The removal of the existing building, carpark and delivery yard to the rear represents a gain for Learmonth Crescent. The introduction of new townhouses, continuing the line of the existing street and progressively stepping up in height responds well to the existing pattern of the street. The use of buff brick and metal cladding represents an attractive, modern response to the area.

The introduction of private, semi-private and public greenspace represents a vast improvement. Space which is currently dominated by a car park and fenced off delivery yard will be replaced by high quality green space, tree planting and informal play equipment. The removal of the existing building will also significantly improve the level of sunlight to the west elevation of Learmonth Crescent. The proposals introduce a new north-south route through the site and a universally accessible east-west public route with a gradient of 1:21. This will offer direct access to public transport on Orchard Brae and Queensferry Road and significantly improve the permeability of the site for all users. All ground floor levels through the site will be fully accessible without the need for stairs. Coloured concrete blocks will differentiate vehicle and mixed surfaces whilst pedestrian only sections will be defined using large format pavers. Hedge and tree planting will help define private and semi-private spaces whilst offering a degree of privacy screening.

Movement through the site has been considered in great detail and has driven the landscaping plans. The increase in permeability through the site provides continuity and a sense of connection between the two previously unconnected streets. This is a significant positive gain for the wider area.

This element of the scheme complies with LDP Policies Des 1, Des 4 and Des 7 and Des 8.

The existing 1960s building which fronts Orchard Brae is retained and the frame reclad. The new scheme will introduce a new facade with a less horizontal expression. The existing top storey of the building is to be removed and replaced with a recessed single storey equivalent finished in bronze metal cladding. The overall height of the building will remain unchanged, though new rooftop extension will increase the mass of the building. The extension of the northern end of the building has been amended to respond to the three storey tenements on Learmonth Crescent, stepping down in response to the neighbouring building. Drawings show the height of the northern end of the building will not be increased. The extension of the southern end of the building will increase the height of this part of the building by 3.9 metres. However, this remains in keeping with the height of the six storey tenement to the south of the site on Learmonth

Court due to a significant difference in ground levels. The proposed height of the building remains consistent with the existing building, the recladding of the building will improve the appearance of the site. This element of the proposal complies with LDP Policy Des 12.

Views

The nearest listed building is 25 Learmonth Terrace which is located 200 metres to the south of the site but is screened by several buildings. The proposal will not impact the setting of any listed buildings. Although the overall height of the existing 1960s building will remain unchanged, alterations to the roof will add more mass to the building. The proposed north and east extensions will also increase the prominence of the building from local viewpoints. Accordingly, the applicant has undertaken a visual impact assessment to demonstrate the impact of the proposal on key views.

The Visual Impact Assessment considered thirteen key views from across the city. Distant views of the site from Calton Hill, Salisbury Crags and Edinburgh Castle demonstrated that proposed changes to the building would not be noticeable. Viewpoint 5 which shows the proposed development from Inverleith Park shows that proposed alterations to the roof will be noticeable from this location. This viewpoint offers a panoramic view of the city with important views of St Marys Church and the spires of Stewart Melville College. Although the proposal includes an extension to the roof of the existing building, the height of the building remains consistent with the current height. The visual impact will be limited due to the muted bronze tone of the proposed roof profile. The spires of Stewart Melville will remain visible and the impact minimal. On balance the proposal will not have a detrimental impact on any protect views identified within Edinburgh Design Guidance.

A series of local views have also been considered. The removal of the 1970s extension will have a positive visual impact on the area. The original scheme proposed a full eight storey extension to the north of the existing building. The Visual Impact Assessment demonstrated that this was potentially over-dominant when set against the three storey tenement which neighbours the site on Learmonth Crescent. The scheme has been amended to include a partial two storey reduction in the height of the northern extension. The proposed extension now steps down in response to the neighbouring tenement. This is an appropriate response to the context which responds to the lower height of buildings on Learmonth Crescent whilst providing an appropriate frontage to Orchard Brae.

The proposal will not have a detrimental impact on protected views or the local townscape and complies with LDP Policies Des 4 and Des 12.

Sustainability

Policy Des 6 (Sustainable Buildings) states planning permission will only be granted for new development where it has been demonstrated that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating technologies and other features are incorporated that will reduce or minimise environmental resource use and impact.

Energy and heat demand will be met without the need for any fossil fuels. Air Source Heat Pumps via communal centralised plant will be utilised to provide heating and domestic hot water. The Energy Strategy has calculated that, the proposed development is predicted to achieve an aggregate reduction in CO2 emissions substantially lower than a baseline compliant development. Constructing buildings uses energy as well as resources, and once a building has come to the end of its life, these resources are still potentially available for use. As the building frame is to be reused rather than fully demolished the embedded carbon impact of the proposed development will be greatly reduced.

The proposal complies with LDP Policy Des 6.

Amenity

Neighbouring Amenity

Daylight

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.

An assessment of the impact of the proposed development on daylight to neighbouring windows and sunlight to neighbouring gardens has been undertaken by the applicant. In terms of the assessment of daylight, where a proposal may affect the level of daylight to neighbouring properties Edinburgh Design Guidance requires an assessment of the Vertical Sky Component (VSC). Guidance states that where the VSC is 27% or more the diffuse daylighting of an existing building will not be adversely affected.

The Edinburgh Design Guidance states that when there is concern about the potential impact of development on levels of daylight and sunlight, the Council will refer to the Building Research Establishment (BRE) Guide, Site Layout Planning for Daylight and Sunlight - A Guide to good practice. This shows how to measure daylight and sunlight. This is spot measure of the skylight reaching the mid-point of a window from an overcast sky. Guidelines state that where the reduction in this value is less than 20 percent there will be no noticeable change in the level of daylight. Edinburgh Design Guidance also states that the vertical sky method can be measured using more complex methods as set out in the BRE guide.

In this instance the applicant has undertaken an assessment of the Vertical Sky Component and has also undertaken a more complex solar shading study and daylight analysis. This solar shading analysis is more complete as it accounts for a range of factors including the sun path, weather data, the position of the proposed building in relation to neighbours, the date and time, the viewing position (altitude and azimuth) and defined shading surfaces: adjacent buildings, topographical shades and local shades.

The Vertical Sky Component assessment identified a potential impact on four different elevations of neighbouring buildings. This included ground floor and first floor windows of number 44 Learmonth Avenue, the ground floor windows of 46 Learmonth Avenue and ground floor, first floor and second floor windows of the adjacent building at Learmonth Court. Further analysis of the Average Daylight Factor was undertaken, and this showed that in all cases the ADF would remain unchanged from pre-development levels. This is further supported by the solar shading study provided by the applicant which indicates that there will be impact on existing shading to any neighbouring windows.

Sunlight

Due to the established high-density nature of the surrounding area, the applicant has produced a sun path analysis as recommended in the Edinburgh Design Guidance. The sunlight assessment produced shows that 50% of all potentially affected garden areas will continue to receive more than two hours of sunlight on March 21st. The proposed development will lead to additional overshadowing of neighbouring garden space of the adjacent properties at Learmonth Avenue.

The assessment shows that neighbouring garden ground is already heavily overshadowed between the hours of 7am-8am and from 2pm onwards. New overshadowing as a result of the proposed development will be marginal in the morning hours between 8am-11am. Additional overshadowing during these times is limited to a small section in the south of the neighbouring garden close to the boundary.

Overshadowing does increase from midday and between the hours of 1pm-2pm the proposed development would cause a significant level of overshadowing to the garden ground of 44 Learmonth Avenue. From 2pm onwards the level of overshadowing caused by the existing building and surrounding neighbouring tenements is already high and any additional overshadowing caused by the proposed development after this time is relatively minor in comparison.

Although overshadowing will be notably increased for a short period after midday, overshadowing will be limited otherwise. BRE guidance suggests that a higher degree of obstruction in terms of loss of sunlight may be unavoidable if new developments are to match the height and proportions of existing buildings in built up locations. In this case the new 'L' shaped development has been designed to align with the height and positioning of the surrounding context. The proposed new build is taller than neighbouring buildings. However, this choice has been made to continue the established pattern of Learmonth Crescent where the height of buildings increases going from north to south. It should also be noted that during the summer months the proposed development will cause no overshadowing to neighbouring gardens.

Overall, reasonable levels of sunlight and daylight shall be maintained to neighbouring properties there would not be an adverse effect on neighbouring amenity overall.

Privacy

EDG states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. In this case the new build element of the proposal has been positioned to match existing neighbouring development. In most cases the distance between the proposed development and existing neighbours is in excess of eighteen metres and raises no concern in relation to a breach of privacy. The east elevation of Block A of the new build element of the scheme will be 16.6 metres away from the rear windows of 44 Learmonth Avenue. This remains consistent with privacy distances in the surrounding area.

Outlook

EDG states that though private views will not be protected, immediate outlook of the foreground of what can be seen from within a building may be. The element of scheme most likely to impact outlook is the proposed northern extension of the existing building which will bring the existing building up to 11 metres closer to the adjacent residential buildings 50-54 Learmonth Crescent. The applicant has provided detailed 25-degree sectional diagrams of all neighbouring properties in relation to the new proposal. The proposed northern extension remains 22.1 metres away from the neighbouring buildings on Learmonth Crescent and the 25-degree diagrams show that no windows on the south elevation of these buildings will be impacted beyond that already experienced with the existing building. The removal of security fencing and the introduction of new landscaping and tree planting and increased levels of sunlight on Learmonth Crescent could improve outlook, particularly at ground level.

Noise

Plant equipment associated with the development including Air Source Heat Pumps is noise generating and must comply with the NR25 standard to ensure noise does not impact on neighbouring amenity. The specific plant proposed has not yet been selected but a Noise Impact Assessment has confirmed that the proposed scheme will be capable achieving the required noise criteria. The findings of the NIA have been accepted by the Council's Environmental Protection team. Construction noise is regulated by Environmental Health under the Control of Pollution Act. It is recommended the applicant develops a Construction Management Plan to limit the impact of noise to surrounding residents during the construction phase, and this is attached as an informative.

The proposal will not have a detrimental impact on neighbouring amenity.

Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

A Surface Water Management Plan was provided in support of this application. Due to the constrained nature of the site four areas of cellular storage have been located under sections of the proposed road and landscaped areas. This cellular storage is supported by extensive planting and reduction in non-permeable surfaces on site. Rain gardens have been developed in balance with the requirement for useable greenspace and are proposed in two locations at either end of the site.

Green roofs also cover an area of 1926 sqm. This is necessary to provide the circa 171m³ of storage required to accommodate the potential volume from a 1 in 200 year (plus 40% for climate change) flood event. Scottish Water have confirmed there is capacity within the existing network to service the proposed development. Overall, the proposals will reduce the present discharge rate and will provide a significant betterment in terms of surface water runoff compared to the current arrangement.

A Review of Scottish Water drawings and the CEC Adopted Roads Plan show a natural watercourse/culvert running through the site roughly in a south to north direction, in addition to a combined sewer connection at the northern boundary. CEC Flooding has requested further investigation for the upstream extent of the culvert. The Council expect that this culvert should be repaired or replaced regardless of the existing upstream flows as presence of the culvert may enable additional upstream surface water separation of flows into the culvert in the future. This could reduce surface water flows within the combined network. CEC Flooding has also requested that the downstream extent of the culvert should also be further investigated. Further investigation work and pipe remedial work must also be undertaken as soon as possible to better inform the drainage plans, prior to construction. CEC Flooding has advised they are content for this to be conditioned as part of any planning permission.

The proposal complies with Policy Env 21 subject to a condition requiring further investigation and potential repair of a culvert running through the site.

Trees

LDP policy Env 12 (Trees) states development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

There are forty-three trees on the existing site, limited to landscaped edges to the north, south and east of the site. The proposal retains trees to the eastern edge of the site whilst proposing the removal of thirty-four trees and the replanting of thirty-seven trees. Of the thirty-four trees to be removed, twenty seven are in retention categories C and U and are in terminal decline with limited life expectancy. Seven category B are proposed for removal. Five of these trees are located to the south of the site and proposed for removal to facilitate the construction of the accessible path. The tree survey notes that these five trees are growing close to retaining walls, restricting growth and limiting their long-term future. Given the extensive level of replanting and the limited outlook for existing trees on site, the proposed tree removals are acceptable.

A construction exclusion zone and tree protection fencing is proposed to facilitate the retention of trees to the east of the site. However, the root protection area of a small number of these trees could potentially be impacted by the foundations and level changes linked to the construction of the new build residential units. The tree protection plan proposes trial digs to assess the extent of root coverage in this area and to inform foundation design. A Tree Method Statement will be required to inform this process, to ensure trees are retained. It is recommended this piece of work is made a condition of consent. A condition requiring the replanting of any trees landscaping which dies within five years of the completion of development to ensure the long-term future of the site.

Protected Species

LDP Policy Env 16 (Species Protection) states planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless there is an overriding public need for the development and it is demonstrated that there is no alternative; a full survey has been carried out of the current status of the species and its use of the site or suitable mitigation is proposed.

A bat survey confirmed the presence of a roost used by a solitary Soprano Pipistrelle bat on site. In accordance with the Habitats Regulations 1994, the applicant will be required to carry out the works under a derogation licence.

The proposal complies with Policy Env 16.

Archaeology

LDP Policy Env 9 relates to the development of sites of archaeological significance. Prior to this the site historically remained open fields with no known archaeological sites recorded from the site. Accordingly, it has been concluded that there are no, known, archaeological implications regarding this application.

Contaminated Land and Air Quality

LDP Policy Env 22 - Pollution and Air, Water and Soil Quality - states planning permission will only be granted for development where there will be no significant adverse effects for health, the environment and amenity and either there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability or appropriate measures to mitigate such impacts can be undertaken.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use. Any remediation requirements require to be approved by the Planning and Building Standards service. Environmental Protection has indicated this can be addressed through attachment of appropriate conditions to a planning permission.

The Air Quality report has also provided details on how emissions during the construction phase can be controlled. The proposal will also result in a reduction of 134 car parking spaces and as noted above will meet all heat demand through non-fossil fuel-based sources.

The proposal will not have a negative impact on air quality and issues relating to potential land contaminants can be assessed further.

Developer Contributions

The application site is within Sub-Area 3 of the Craigroyston/Broughton Education Contribution Zone. The Edinburgh Local Development Plan Action Programme was updated on December 2021 and has identified the requirement for additional secondary school capacity in this area. The Action Programme estimates the overall cost of achieving this at £19,517,393 with contributions to be secured through Section 75 agreement.

Supplementary Guidance set out in the Council's Developer Contributions and Infrastructure Delivery document states if a proposed development will generate more than one secondary school pupil and more than one primary school pupil then a full contribution will be required. Using the methodology set out in guidance the proposed development will generate 7.98 primary school pupils and 3.42 secondary school pupils. A full contribution is required at a rate of £980 per flat. Based on 114 flats with more than one bedroom the required contribution is £111,720.

The application site is not located in any other contributions zone and it is not anticipated that new residential development will have a negative impact on existing amenities.

Conclusion in relation to the Development Plan

The proposals comply with relevant policies of the Local Development Plan (LDP). The principle of a mixed use residential and office development in this location is acceptable. The total onsite provision of private green space does not fully comply with LDP Policy Hou 3. However, a significant level of green space is provided, and this can reasonably be supplemented by nearby public green space. This is a minor infringement of policy. A satisfactory residential environment is achieved for future occupiers.

The scale, form and design of the proposed new build element of the scheme is in keeping with the pattern of the surrounding area. The scale of the proposed extension to the refurbished building is in keeping with the existing structure and complies with policy. The proposal will not have a detrimental impact on neighbouring amenity. The proposal will result in some overshadowing of neighbouring gardens. However, the level of sunlight achieved in these spaces still complies with guidance.

Twenty five percent of the proposed residential units are to be affordable tenure and subject to compliance with conditions, the proposals are acceptable.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

NPF 4 - Draft National Planning Framework 4 has been consulted on but has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Inverleith and Stockbridge Community Council noted in its consultation response that the application site is included within the housing proposal set out in City Plan. These housing proposals include design briefs set out in Appendix D of the document. Five recommendations are set out in relation to this application site. This includes that new proposals must avoid replicating the scale and massing of the existing building. It further states that heights must be lower and layout and massing sympathetic to the surrounding urban form.

As noted above, limited weight can be attached to this. City Plan is in draft form, is yet to be examined and may be subject to change. The recommendations set out in relation to this site have been made without specific knowledge of the current application which does not propose the complete demolition of Finance House. In the case of the current proposals the existing building is to be retained and the height of the proposed development is a consequence of this.

The current proposals have been assessed against policies set out in the current LDP. Policy Des 4 requires proposed developments to be consistent with the prevailing heights of the surrounding area. Policy Des 12 requires alterations and extensions to be consistent with the existing building. This has been assessed above.

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.

Public representations

A summary of the representations is provided below:

material considerations

objections

- Insufficient parking, increased traffic and increased demand for on street parking, road safety issues and road improvements required; this is addressed in section (c).

- Office use; this is addressed in section (c).
- Scale, form and design inappropriate for the area; this is addressed in section (b) and section (c).
- Loss of sunlight/daylight/privacy; this is addressed in section (c).
- Objects to new footpath; this is addressed in section (c).
- Impact on waste services; this is addressed in section (c).
- Pressure on amenities; this is addressed in section (c).
- Noise; this is addressed in section (c).
- Impact on outlook; this is addressed in section (c).
- Removal of trees and loss of habitat; this is addressed in section (c).
- Flood risk; this is addressed in section (c).
- Negative impact on New Town Conservation Area; this is addressed in section (b).
- Impact on views; this is addressed in section (b) and (c).
- Impact on air quality; this is addressed in section (c).

Support

- New housing required; this is addressed in section (c).
- Existing building is in poor condition and does not contribute to the area; this is addressed in section (c).
- Demolition of rear extension; this is addressed in section (c).
- Retention of a number of trees, increased tree coverage and soft landscaping; this is addressed in section (c).
- Positive addition to the townscape; this is addressed in section (c).
- Siting, scale, design and external appearance appropriate to setting; this is addressed in section (b) and (c).
- Redevelopment of a brownfield site; this is addressed in section (c).
- Good quality residential environment provided; this is addressed in section (c).
- Site is accessible; this is addressed in section (c).
- Re-use of vacant site; this is addressed in section (c).
- Office use no longer required in this location; this is addressed in section (c).

Inverleith and Stockbridge Community Council

- -Inappropriate height and design; this is addressed in section (c).
- Lack of amenity space; this is addressed in section (c).
- Too dense; this is addressed in section (c).
- Concerns relating to drainage and flooding; this is addressed in section (c).
- No affordable housing provision; this is addressed in section (c).
- Contrary to City Plan 2030; this is addressed in section (d).

Craighleith and Blackhall Community Council

- Implications for drainage and flooding; this is addressed in section (c).
- Over-development of the site; this is addressed in section (c).
- Visual impact; this is addressed in section (b) and (c).
- Limited parking; this is addressed in section (c).

non-material considerations

- Construction noise and traffic; this is not a planning matter.
- Anti-social behaviour: this is a police matter.
- Further transport studies and policy modifications required; Information provided is sufficient.
- Publicity period was insufficient due to Christmas Holidays; additional time was allowed for public comments to account for Christmas Holidays.
- Feasibility of reusing existing building frame; this is not a planning matter.
- Risk of ground collapse; this is a matter for Building Standards.

Conclusion in relation to identified material considerations

No material considerations have been identified which indicate the proposal should be refused.

Overall conclusion

The proposals comply with relevant policies of the Local Development Plan (LDP). The principle of a mixed use residential and office development in this location is acceptable. The total onsite provision of private green space does not fully comply with LDP Policy Hou 3. However, a significant level of green space is provided, and this can reasonably be supplemented by nearby public green space. This is a minor infringement of policy. A satisfactory residential environment is achieved for future occupiers.

The scale, form and design of the proposed new build element of the scheme is in keeping with the pattern of the surrounding area. The scale of the proposed extension to the refurbished building is in keeping with the existing structure and complies with policy. The proposal will not have a detrimental impact on neighbouring amenity. The proposal will result in some overshadowing of neighbouring gardens. However, the level of sunlight achieved in these spaces still complies with guidance.

Twenty five percent of the proposed residential units are to be affordable tenure and subject to compliance with conditions, the proposals are acceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions:-

1. Prior to initiation of development the applicant must undertake investigation of the upstream extent of the culvert. If grubbing up the culvert at the site, a new culvert should be constructed to continue to accommodate the existing upstream flows. For clarity, this culvert should be repaired/replaced regardless of the existing upstream flows as the presence of the culvert may enable additional upstream surface water separation of flows into the culvert in the future and reduce surface water flows within the combined network.

2. Prior to initiation of development the downstream extent of the culvert should be further investigated, and any required mitigation agreed in writing with the Planning Authority. Further investigation work and pipe remedial work should be undertaken as soon as possible to better inform the drainage plans.
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.
4. The following noise protection measures to the proposed residential accommodation, as defined in the Noise report ITP Energised (Ref 4344 V1), dated 10/12/2021:
 - Glazing units with a minimum insulation value of 6/12/8.8mm double glazing shall be installed for the external doors and windows of the bedrooms and living areas highlighted in acoustic report and on drawing number (PL)251 dated 10/12/2021 shall be carried out in full and completed prior to the development being occupied.
5. The residential parking space highlighted on drawing number Level 00 & level 02 as highlighted in section 6 Technical Issues of the Design and Access Statement dated 10/12/2021 shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.
6. All remaining residential parking spaces shall be served by a minimum 3 Kw (16-amp three pin plug) with an optional upgrade to 7Kw (32amp) Type 2 electric vehicle charging sockets. These must be installed and operational in full prior to the development being occupied.
7. Prior to initiation of development a Tree Method statement shall be provided to the Planning Authority outlining how all existing trees which are to be retained can be protected during construction. All subsequent work must be carried out in line with the recommendations of this report.
8. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

9. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
10. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons: -

1. To ensure surface water is managed correctly and potential flood risk is mitigated.
2. To ensure surface water is managed correctly and potential flood risk is mitigated.
3. In order to ensure the most efficient and effective rehabilitation of the site.
4. In order to safeguard amenity.
5. In order to ensure that the level of off-street parking is adequate.
6. In order to ensure that the level of off-street parking is adequate.
7. To safeguard the health and condition of trees
8. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
9. In order to ensure that the approved landscaping works are properly established on site.
10. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The application site is within Sub-Area 3 of the Craigroyston/Broughton Education Contribution Zone. The developer is required to contribute the sum of £111,720 towards the provision of education infrastructure. This is based on a full contribution rate of £980 per flat and a total of 114 flats with more than one bedroom (114 x £980).
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 shall produce a CEMP that highlights how they will minimise impacts on the surrounding amenity during the construction phase.
 - a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
 - b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
 - c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
 - d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
 - e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
 - f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
 - g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
 - h) No bonfires shall be permitted.

6. Clearance of vegetation from the proposed construction area has the potential to disturb nesting birds; therefore, clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
7. The applicant should contact the City Council's Waste and Cleaning Service to arrange a waste strategy and then a minimum of 12 weeks prior to any waste collections being required and prior to the occupation of the development.
8.
 - a) The applicant should consider the provision of car club vehicles. The sum of £1,500 per order plus £5,500 per car;
 - b) All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles and emergency service are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
 - c) The applicant should consider developing a Travel Plan including provision of pedal cycles, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
 - d) 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.
 - e) Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
 - f) All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order 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.

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

10. Prior to the commencement of development, the development the applicant must obtain all relevant licences in relation to European Protected Species.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 13 December 2021

Drawing Numbers/Scheme

01, 02A, 03-17,18A-39A, 40, 41A, 42-44, 45A-47A, 48

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail:christopher.sillick@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: The applicant has submitted various supporting documents that have been assessed by Environmental Health. We have been involved with the development of this site since the pre-planning stage. The applicant has taken on board our original comments. They have submitted a local air quality impact assessment, details on heat and energy provisions, noise impact assessment and a ground investigation report.

The applicant has kept parking numbers down to a low level which is welcomed by Environmental Health. A total of 38 vehicle parking spaces will be provided comprising: 22 spaces in the basement car park, 10 surface spaces west of Learmonth Gardens and 6 surface spaces at the front of the building and accessed from Orchard Brae. This represents a reduction of 128 vehicle spaces compared with existing provision associated with the existing office development. All parking spaces will be private and for use only by residents of the development or people using the office space. Surface level spaces will be located on private land. This provision will include 7 charging points, this is the minimum requirement as per the Edinburgh Design Standards however the applicant advises that parking spaces not identified as having charging points to be future proofed for future installation. This will need to include the upfront installation of a power box where an electric supply will be terminated and space for electric metre provided. Cabling will need to be installed from these boxes to all the other car parking spaces with the cable termination point cleared marked. All 7 other chargers will need to be installed and operational prior to occupation. This will need to be with a minimum power output of 7KW (32AMP) type 2 sockets.

The applicant has confirmed that energy and heat demand will be met without the need for any fossil fuels. Air Source Heat Pumps via communal centralised plant will be utilised to provide heating and domestic hot water. Again, this is welcomed by Environmental Health, although we have had to be careful with any potential noise impacts created by centralised air sourced heat pumps. It is noted that the applicant has already addressed this and included noise mitigation measures to ensure potential noise from this plant will not adversely impact residential amenity.

The applicants supporting noise impact assessment has investigated possible noise impacts on the proposed development from plant and road traffic noise. The noise impact assessment has identified that acoustic mitigation measures will be required to mitigate the noise from road traffic. This will be in the form of upgraded acoustic glazing. Environmental Protection shall recommend a condition is attached to any consent to ensure that this mitigation is included. The specific plant proposed has not yet been selected but the noise consultant has confirmed that it will be capable achieving the required noise criteria (NR25) allowing for windows to be open.

The applicants noise impact assessment has provided general information on how the construction phase noise will not adversely impact neighbouring amenity. Similarly, the Air Quality report has also provided details on how emissions during the construction phase can be controlled. Environmental Protection shall recommend that the applicant produces a Construction Environment Management Plan (CEMP) that incorporates both these issues during the construction phase. This site is located near to existing residential properties and the construction phase will be over a year so this must be

carefully considered. Construction noise is already regulated by Environmental Health under the Control of Pollution Act. This permits construction noise Monday to Saturday between 7-7. The applicant will need to consider restricting these hours for noisy works further to ensure they limit the impacts. Communication with neighbours is critical during the construction phase. All the neighbours should be kept up-to-date with progress of the development and with specific noisy dusty operations highlighted. A point of contact should be made available for neighbours to call at any time they have concerns. An informative will be recommended to address this.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)

Environmental Protection offer no objections subject to the following conditions;

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.

2. The following noise protection measures to the proposed residential accommodation, as defined in the Noise report ITP Energised (Ref 4344 V1), dated 10/12/2021:

- Glazing units with a minimum insulation value of 6/12/8.8mm double glazing shall be installed for the external doors and windows of the bedrooms and living areas highlighted in acoustic report and on drawing number (PL)251 dated 10/12/2021.

shall be carried out in full and completed prior to the development being occupied.

3. The residential parking space highlighted on drawing number Level 00 & level 02 as highlighted in section 6 Technical Issues of the Design and Access Statement dated 10/12/2021 shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.

4. All remaining residential parking spaces shall be served by a minimum 3 Kw (16-amp three pin plug) with an optional upgrade to 7Kw (32amp) Type 2 electric vehicle charging sockets. These must be installed and operational in full prior to the development being occupied.

Informative

1. Construction Mitigation

The applicant shall produce a CEMP that highlights how they will minimise impacts on the surrounding amenity during the construction phase.

a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

h) No bonfires shall be permitted.

DATE:

NAME: Transportation Planning

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

1. The proposed semi-vertical cycle parking is not considered appropriate. The applicant should be required to provide cycle parking in compliance with the Edinburgh Street Design Guidance Cycle Parking Factsheet;
2. The applicant should be required to provide a minimum of 4 electric vehicle charging points (1 in 6 spaces);
3. The applicant should consider the provision of car club vehicles. The sum of £1,500 per order plus £5,500 per car;
4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles and emergency service are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
5. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
6. The applicant should consider developing a Travel Plan including provision of pedal cycles, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
7. The 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.
8. 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;
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 proposed 365 cycle parking spaces and 22 car parking spaces are considered acceptable. There are 166 car parking spaces currently on site.

DATE: 10 March 2022

NAME: Flood Planning

COMMENT: we would typically request culvert investigations are conducted prior to determination. However, if not possible in this instance we are happy to proceed with the investigations conditioned. The applicant should be aware that the proposals may have to change and repair and maintenance works may be necessary to enable the development. This application can proceed to determination, with the following comments noted:

1. Further investigation is required for the upstream extent of the culvert. If grubbing up the culvert at the site, a new culvert should be constructed to continue to accommodate the existing upstream flows. For clarity, this culvert should be repaired/replaced regardless of the existing upstream flows as presence of the culvert may enable additional upstream surface water separation of flows into the culvert in the future - to reduce surface water flows within the combined network.
2. The downstream extent of the culvert should also be further investigated. We would request that the further investigation work and pipe remedial work is undertaken as soon as possible to better inform the drainage plans, prior to construction.

DATE:

NAME: Affordable Housing

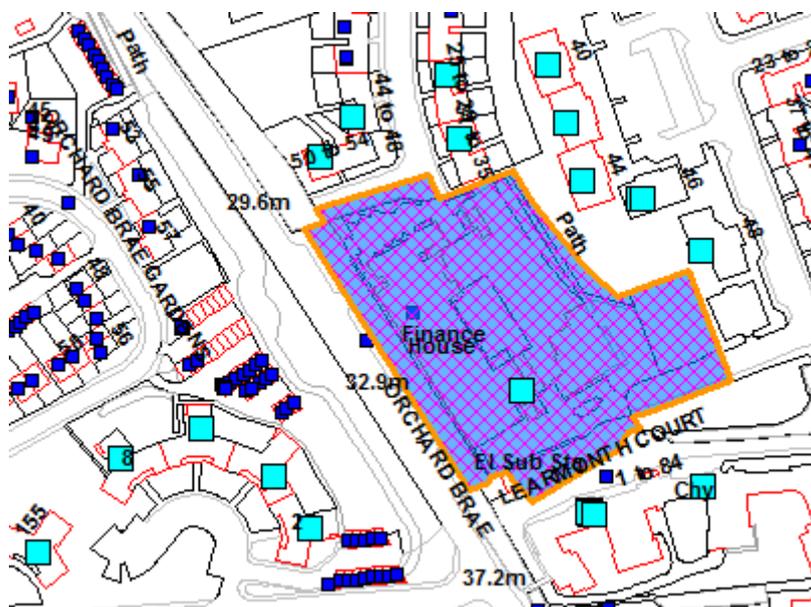
COMMENT: The applicant has made a commitment to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach which will assist in the delivery of a mixed sustainable community:

- o The applicant has submitted an "Affordable Housing Statement", setting out their approach to the following points and which will be a public document available on the City of Edinburgh Council's Planning Portal.
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal
- o The applicant is required to agree with the Council the tenure type of the affordable homes prior to commencement of the construction any market homes.
- o The applicant entered into an early dialogue the Council to identify a Registered Social Landlord (RSL) to deliver the affordable housing on site
 - The affordable housing includes a variety of house types and sizes which are representative of the provision of homes across the wider site.
- o In the interests of delivering mixed, sustainable communities, the affordable housing policy units are expected to be identical in appearance to the market housing units
- o The affordable homes should be designed and built to the RSL design standards and requirements.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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