

Development Management Sub-Committee Report

Wednesday 20 September 2023

**Application for Planning Permission
1,3 and 5 Baronscourt Road, Edinburgh, EH8 7ET.**

Proposal: Demolition of existing commercial units and replacing with a residential unit containing 19 apartments (as amended).

**Item – Committee Decision
Application Number – 21/03101/FUL
Ward – B14 - Craigentenny/Duddingston**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 43 material objections have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

Overall, the proposal is in accordance with the national planning framework 4 and the Local Development Plan.

The proposal will deliver a sustainable, well-designed development on a brownfield site that minimises environmental impact. The design is high quality and takes cues from the character of the surrounding area. Residential use will help support local living and is consistent with the six qualities of a successful place.

Subject to condition, the proposal will result in a satisfactory living environment for future occupiers and will not result in an unreasonable impact on neighbouring occupiers.

It encourages use of sustainable modes of transport and reduced reliance on car usage. No specific road or pedestrian safety issues are raised. It is acceptable in terms of equality.

Other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The site comprises of three units in light industrial use including a car servicing / repairs and a confectionery manufacturer covering the sites' footprint.

The immediate area is mainly residential in character. Four storey flatted properties border the site on three sides.

To the north and east, are traditional red sandstone tenements with communal gardens consisting of lawn with trees and hedging. 2 Piershill Terrace and 9 to 15 Piershill Place are Category C Listed (LB49046, date 18/12/2002).

A modern residential building is located to the west with a range of commercial uses, car parking and a Church beyond this. To the south, is a row of cottages which faces the site on Baronscourt Road.

The site area is approximately 1170 m² in total.

Description of the Proposal

Demolition of the existing commercial units and construction of 19 residential flats.

The development is mainly four storeys in height and includes three dual pitched roofs in a dark brown metal. A lower, flat roof section is proposed to the east side with solar panels and an air source heat pump on its flat roof.

The building will be a maximum height of approximately 15.5 metres to ridge level, 11.5 m to eaves, depth of 17 m and width of 36 m. The building footprint is 510 m² in total.

The walls are mainly a light brick, which project in front of the darker brown elements on the front elevation facing Baronscourt Road. Balconies serve three flats on the upper level and modern, rectangular windows on each floor.

The development comprises a mix of unit sizes in total including eight one-bed units (51 to 61 m²) seven two-bed units (67 to 75 m²) and four three-bed units (76 to 86 m²).

Garden space is to the rear covering approximately 236 m² and includes seated areas with raised planters. Two enclosed cycle stores and a bin store are included with paved footpaths providing access from the front to the rear of the development. The larger cycle store includes provision for 30 cycles via standard Sheffield stands. The smaller store includes provision for 8 non-standard cycles via custom Sheffield stands.

Revised Scheme

The proposal has been revised as per the following:

- Size of one bedroom unit increased on the third floor.
- Cycle parking and landscape arrangement altered.

Supporting Information

- Bat surveys
- Daylight and sunlight information
- Design statements
- Surface Water Management Plan
- Sustainability form

Relevant Site History

No relevant site history.

Other Relevant Site History

The site has no other planning history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Water

Transport Planning

Affordable Housing

Archaeology

Communities and Families

Flood Planning

Waste

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 14 June 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 47

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 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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

2 Piershill Terrace and 9-15 Piershill Place (inclusive numbers), LB 49046, date added: 19/12/2002

To the north and east of the site are Category C listed baronial tenement buildings on Piershill Terrace and Piershill Place. These buildings are four storeys, constructed in coursed red sandstone with grey slate and red terracotta ridge tiled pitched roof.

HES' Statement of Special Interest refers to the tenements' prominence on the main road between Edinburgh and Portobello, which continues in plainer form on Piershill Terrace.

Key detailing on these sides includes the vertically positioned bays with timber sash and case windows of a uniform design, scale and arrangement. Traditional boundary treatments include a low stone boundary wall and wrought iron railings fronting the street.

Views of these tenements' from Baronscourt Road will be reduced by the increase height on-site from the new buildings. However, these reduced views will face onto the tenement's subsidiary elevation. The proposals' location to the south and west side, will avoid interfering with any views or formal approaches onto the tenements' principal elevations identified in their statement of special interest.

In addition, the development is of a proportionate scale to surrounding built form and an appropriate degree of separation will be retained to these historic buildings that their spacious garden settings will not be impacted upon.

In light of this, the proposal will not be to the detriment of their architectural character, historical interest or overall setting of these listed buildings.

New Restalrig Parish Church, LB ref: 27166, date added: 10/04/1986.

The height of the new development on-site will remove a view of the upper section of this church tower from Baronscourt Road. Its visibility here is from an oblique, setback position for a small section of the street only.

This historic asset is considerably more prominent from streets each side at its corner plot location. Key architectural detailing being visible in close view and the church tower being more prominent on approach to the Portobello Road junction.

These views will be uninterrupted by the proposal and with regard to the above the special interest and overall setting of the listed building will not adversely be impacted upon.

5-8 Piershill Place LB ref: 49045, date added 19/12/2002.

To the north-west is B listed mid 19th century, two-storey terrace which is separated from the site by tenement gardens and a car park. The key architectural detailing is on the terrace' north side facing Portobello Road.

Given the separation distance that would continue to be retained between the sites' no adverse impact on this listed terrace' setting will occur.

Conclusion in relation to the listed building

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3, 4, 6, 7, 8, 9, 13
- NPF4 Liveable Places policies 14, 15, 16, 18, 20, 22,
- LDP Design policy Des 1, Des 2, Des 4, Des 5, Des 7
- LDP Developer contributions policy Del 1
- LDP Employment policy Emp 9
- LDP Environment policy Env 12, Env 21, Env 22
- LDP Housing policy Hou 1, Hou 2, Hou 3, Hou 4, Hou 6
- LDP Transport policy Tra 2, Tra 3, Tra 4

Listed Buildings

NPF4 Policy 7 c) supports proposals for the alteration or extension of a listed building, or works that impact on its setting, where its character, special architectural or historic interest are not adversely affected.

This has been assessed in section a) and the proposals comply with NPF4 Policy 7.

Use

Loss of employment use

LDP policy Emp 9 (Employment Sites and Premises) states proposals to redevelop employment sites or premises in the urban area for other uses will be permitted provided:

- a) the non-employment use does not prejudice or inhibit activities of nearby employment uses.
- b) the proposal contributes to the comprehensive regeneration and improvement of the wider area;
- c) and proposals include floorspace for a range of business use where sites exceed one hectare.

Light industrial uses on Piershill Lane comprise of small-scale units which are separated from the site by the car park of the adjacent residential building. With regard to their size and distance retained to the site it is not anticipated their operations would have an adverse impact on future occupiers living environment. In turn, the development would not prejudice activities of a nearby employment use. This notwithstanding, given these existing uses have potential to be noise-emitting, a condition has been applied for a Noise Impact Assessment to include any existing industrial noise nearby and detail of any mitigation measures to be submitted.

In addition, re-developing the site by replacing garages of functional design and appearance, with a modern high-quality residential development will help contribute positively to regeneration of the area.

The site is less than one hectare therefore the proposal does not require provision for business use. There is no requirement under this policy to retain the existing uses on site. Subject to the aforementioned condition, the proposal complies with LDP policy Emp 9.

Residential Use

LDP policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria on where this can be achieved.

Criteria d) prioritises delivery of housing on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) refers to development proposals contributing to local living and 20 minute neighbourhoods.

Given the surrounding residential character, this windfall site is suitable for housing. It has local access to public transport and green open spaces. Local centres are nearby to the sites east and west, providing services and potential employment opportunities for future residents in the near vicinity. In this regard, the proposal will contribute to local living.

LDP policy Hou 2 (Housing Mix) promotes a mix of house types where practical to meet a range of housing needs having regard to the character of the surrounding area and its accessibility.

In addition, the EDG states that for schemes of 12 units or more, 20 % of the total number of homes should be designed for growing families with floor areas of 91 m² including enhanced storage.

The proposal provides a mix of house types including 8 one-bed units, 7 two-bed units and 4 three-bed units. Range is also provided at ground floor including 2 one-bed units, 2 two bed units and 1 three bed unit providing step free accessible options for different population groups. It is acknowledged the mix of units does not include provision for growing families as the three bedroom units are not designed with enhanced storage exceeding 91 m². However, with regard to the above, overall, a reasonable range of units are provided to meet varying needs and an infringement of the guidance is therefore acceptable here.

LDP policy Hou 3 (Private Greenspace) states planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents.

Criteria a) states for flatted developments this will be based on a standard of 10 square metres per flat and a minimum of 20 % site area should be useable greenspace.

The proposal provides 191 m² of useable greenspace in total which exceeds 20 % of the sites and the standard of 10 m² per flat.

LDP policy Hou 4 (Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility, and its impact upon local facilities.

The site sits within the immediate context of higher density residential development in the area. Its four-storey height, footprint and retained open space is generally compatible with this density.

An attractive residential environment will be achieved through the size of flats internally, dual aspect and external amenity space for future residents.

The site has access to public transport modes nearby including Lothian bus services 4, 5, 26 and 45 in walking distance on Portobello Road.

In light of the above, the proposal complies with LDP policy Hou 1, Hou 2, Hou 3, Hou 4 and NPF 4 policy 15.

Sustainable Places

NPF 4 policy 1 (Tackling the climate and nature crises) states when considering all development significant weight will be given to the global climate and nature crises.

NPF 4 policy 2 (Climate mitigation and adaptation) intent refers to development minimising emissions and adapting to current and future impact of climate change.

NPF 4 policy 9 (Brownfield, vacant and derelict land and empty buildings) intent refers to encouraging reuse of brownfield, vacant or derelict land and empty buildings.

NPF policy 14 b) (Design, quality, and place) refers to sustainability as a quality that supports a successful place.

The proposal includes measures to help mitigate impacts of climate change. The S1 sustainability form details the features included with the development such as photovoltaic panels, air source heat pumps and a heat recovery system.

With regard to biodiversity, the cycle store, bin store and plant room will be designed with green roofs. New trees are detailed to the front and rear of the site.

The development re-uses brownfield land in a sustainable location. The existing garages will be demolished however these structures are of a poor design quality and in this regard their demolition is acceptable.

In addition, sustainable materials will be used in the new development. The S1 form details existing materials on-site will be re-used and new materials from recycled and local sources.

The flats have mainly been designed with the main habitable living space south-facing to maximum levels of natural light.

Overall, the proposal is a sustainable development which re-uses brownfield land.

Overall, it complies with NPF4 policy 1, 2, 9 and 14 b) regarding sustainability.

Design, Quality and Place

NPF4 Policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places. These qualities include a place being healthy, pleasant, connected, distinctive, sustainable, and adaptable.

LDP policy Des 1 (Design Quality and Context) refers to development creating or contributing to a sense of place based on positive characteristics of the surrounding area.

LDP policy Des 3 (Development Design) refers to development incorporating existing characteristics and features worthy of retention on site and surrounding area.

LDP policy Des 4 (Development Design - Impact on Setting) sets out criteria for development to have a positive impact on the character of the wider townscape and landscape.

LDP Policy Des 7-Layout and Design seeks a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces.

The site consists of single storey garages which cover almost the entire site footprint. They are of a functional design to suit light industrial use including their construction with corrugated iron and roller shutter doors. In this regard, they do not contribute positively to the areas character or appearance and their demolition is therefore acceptable. In addition, it is noted these units could be demolished under permitted development rights.

The immediate area consists primarily of older traditional residential buildings of varying scale. Large, red sandstone tenements to the north and east whilst older style cottages are on the opposite side. A modern, flatted development is also located to the west.

These buildings on the north side of Baronscourt Road are four storeys. Whilst this new development will clearly differ from this existing architecture, it is compatible in scale. Its four-storey height aligns with the eaves of modern development to the west and is appropriately lesser scaled than traditional tenements. In this respect the design pays due attention to the local architecture.

The dual pitched roofs will be prominent additions distinctive in form and will add a degree of interest to the range of architectural styles present. Use of alternate materials including a dark brown zinc roof, light brick walls and large glazed openings are appropriate as they form part of a high-quality modern design.

The two tones on the buildings' frontage will help break up the perceived mass of the building from the street. Particularly, the recessed darker zinc sections forming the building entrances.

The development is generally compatible with the spatial pattern of residential development nearby. It will be setback from the street to a similar degree as the modern development to the west, and it will include a large area of open space at its rear like neighbouring tenements.

The extended rear projection is not characteristic of buildings nearby. However, this is a proportionally small part of the overall development. The wider public views onto this will be limited as it will be largely enclosed by existing built form. Therefore, the impact on the areas' appearance will be minimal.

The development will help create a pleasant place through the creation of a high-quality residential development with soft landscaping fronting the street. Windows at ground floor facing onto a new footpath will help improve the sites safety and connectivity by creating natural surveillance onto public space.

In this regard, the proposal supports the delivery of a healthy, pleasant, distinctive, and connected place. Other identified place qualities are considered through other sections of the report.

The design is a high quality, contemporary architecture that will be a positive addition to the area in compliance with relevant NPF 4 and LDP Design policies.

A condition has been applied for full details of all external materials prior to commencement of development to consider these matters in detail.

Amenity

Future occupiers

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

The EDG states that to ensure satisfactory amenity, dwellings should not fall below minimum internal floor areas. The standards are 52 m² for a one-bedroom unit, 66 m² for two bedrooms and 81 m² for three bedrooms.

Single aspect dwellings should not make up more than 50% of the overall number of units.

The EDG also states that new gardens should be capable of receiving sunlight for more than two hours during the spring equinox.

Three, one-bedroom flats will fall below the minimum space standard. These units will have a floorspace of 51 m², which is acceptable as a minor infringement.

One, three bedroom unit will have a floorspace of 76 m², falling 5 m² below the standards. This flat will benefit from a south-facing orientation with large windows providing light into habitable space and a top floor balcony of a reasonable size. Given this design and layout, a reasonable living environment will still be achieved for occupiers. The smaller size of the unit is therefore acceptable in this case. All other flats will meet or exceed the minimum space standard.

Top floor flats will have private balconies in addition to the communal greenspace provision.

In regard to sunlight, an adequate size of greenspace will be provided from the rear communal garden. The submitted sun path diagrams at the spring equinox show this space will mainly be overshadowed and will not meet the EDG standards of half the area receiving sunlight for two hours at this time of the year.

The development is considered an appropriate response to this immediate context, compatible with the townscape character in terms of height, scale, footprint. Lower levels of sunlight to gardens are therefore not incompatible with the sites' surroundings. The quality of greenspace has been improved with inclusion of seated spaces and soft landscaping.

In addition, the site is well-served by greenspace nearby. It meets the standards of the Open Space Strategy 2021 in respect to local and large open space provision. Baronscourt Park is within 400 m and Holyrood Park is within 800 m.

In regard to the above an infringement of guidance is therefore acceptable in these circumstances.

Subject to condition, the residential development as a whole will achieve a satisfactory living environment for future occupiers. The degrees of infringement from the non-statutory guidance are therefore justifiable in this context.

In regard to future occupiers' amenity the proposal complies with LDP policy Des 5.

Neighbouring Occupiers

LDP policy Des 2 (Co-ordinated Development) states amongst other criteria that planning permission will be granted for development which will not compromise the effective development of adjacent land.

LDP policy Des 5 (Development Design - Amenity) states planning permission will be granted for development where it is demonstrated the amenity of neighbouring development is not affected.

The EDG offers specific guidance in relation to assessing impact on daylight, sunlight, privacy, and immediate outlook.

In regard to privacy, the EDG refers to the rearward side of development providing a better opportunity for privacy than the street side. This is because for the latter, privacy is compromised by the position of windows relative to the street. Further, an areas' pattern of development will help define appropriate distances between buildings.

Furthermore, private views are not protected, however immediate outlook of the foreground of what can be seen from within a building may be.

The new building will be in proximity to residential properties including tenements (north and east) and the terrace of cottages (south).

The proposal fails the 25 degree daylight criteria for ground floor windows on these sides, therefore, more detailed daylight calculations have been submitted to assess the degree of impact from the proposal.

The report details that all these windows would be within a minimum of 80% VSC of the previously available levels of daylight. The level of impact on light to most windows would be within 0.8 of their former value, therefore, there is not likely to be a noticeable change within these rooms.

In addition, the applicant has provided existing and proposed sun path diagrams at the spring equinox to assess any impact from the proposals on shade to neighbours' gardens.

Some additional shade will be cast on the tenement garden east of the site between 14.30 to 16.30. The amount of additional shade is considered a modest proportion of these communal gardens and for a limited duration of time. In tandem with the retained levels of sunlight to these gardens during the day, there will be no unreasonable loss of amenity for these occupants. To the north, there will be no material impact on shade from the proposal.

In regard to privacy, the distances retained between buildings differ in the area. The development will be in keeping with the sites' immediate spatial pattern. It will continue the building line of modern flatted development to the north. Space retained of around 19m to the smaller cottages on Baronscourt Road is in keeping with facing tenements on Piershill Terrace. In addition, retained distances of over approximately 14 m to the east and 22 m north are compatible with surrounding built form.

It is recognised new front-facing windows and upper floor balconies will change the relationship between the site and facing cottages. Clearly, the new development will increase views of these properties from that of the existing industrial garages. However as per the EDG, the privacy of buildings on the street side is somewhat compromised by the visibility of windows from the street.

In this regard, it is considered the cottages better opportunity for privacy will continue to be from the rear. In consideration of this and the sites' compatibility with the surrounding spatial pattern no adverse impact on neighbours' privacy will occur.

Furthermore, it is acknowledged the height and position of the development will alter the outlook from residential properties facing onto the site. However, the retention of private views reliant on outlook across adjacent land cannot be protected under planning legislation.

The development will be set in from the site boundary which will help reduce its perceived mass from adjacent windows. Its closest proximity will be on the east side, where the building height reduces to a flat roof, three storeys. Whilst greater in height than the existing structure, its depth here is considerably less which will help reduce this impact.

Subject to condition, the proposal will not result in an adverse impact on the amenity of neighbouring occupiers therefore complies with LDP policy Des 5.

Noise

Policy Des 5 (Development Design - Amenity) also states permission will be granted for development where future occupiers and neighbouring developments have acceptable levels of amenity in relation to noise.

NPF4 policy 23 e) (Health and Safety) states development proposals that are likely to raise unacceptable noise issues will not be supported.

In regard to noise, the site is located on a quieter street than the surrounding busier, main roads. Residential use is characteristic of the area and surrounds the site on all sides. There are no concerns from a noise perspective regarding residential use of the land which is an established use in the area. It is anticipated this new use is likely to have lesser noise impacts than the sites' existing light industrial uses.

Environmental Protection have commented that associated machinery including plant and air source heat pumps have potential to cause noise and vibration impacts for new and existing residents. The applicant has stated that specification details for this equipment are not currently known. A condition is therefore recommended to ensure noise is adequately considered and mitigated prior to occupation of the development.

In addition, the site is approximately 19 m at its nearest point to garages on Piershill Lane. Given this distance and the immediate residential character of the area it is not anticipated noise from these sources would lead to an adverse living environment for future occupiers or prevent restrictions on nearby uses.

Subject to condition, the proposal will not result in an adverse impact on the amenity therefore complies with LDP policy Des 5 and NPF 4 policy 23 e).

Contaminated Land

Given the previously developed nature of the land a condition has been applied for information on the lands' potential contaminants and any required mitigation measures.

Subject to the approval of these details, the proposal complies with NPF 4 policy 9, 22 and Env 22.

Transport

Cycle Parking

LDP policy Tra 3 (Cycle Parking) states permission will be granted where proposed cycle parking and storage complies with standards in Council Guidance.

LDP policy Tra 4 (Design of Off-Street Car and Cycle Parking) refers to design considerations for cycle parking. Cycle parking should be provided closer to building entrances than general car parking spaces and be designed in accordance with the standards set out in Council guidance.

The cycle parking factsheet C.7 states that where less than 50 bikes on Sheffield stands are required at least 50% of the capacity should be met by single storey racks.

The design principles for cycle provision include its location near destination entrances, its ease of accessibility and accommodation of minimum 20% of non-standard bicycle provision.

The EDG states that in zone 2, flats with 2 or 3 habitable rooms should have 2 cycle spaces. Flats with 4 habitable rooms should have 3 spaces. For the 19 flats, the provision equates to 41 cycle spaces in total therefore the 38 spaces provided falls slightly short.

The cycle provision has been revised to improve its accessibility for a range of users with 30 spaces via standard Sheffield racks and 8 spaces catering for non-standard provision. However, as the revised provision falls slightly short of the standards, a condition has been applied for an additional 3 cycle spaces to be provided.

The cycle provision will be located in enclosed cycle stores in the rear garden via a fully accessible route from the buildings' main entrance via a footpath to the side.

Car Parking

NPF 4 policy 13 e) (Sustainable transport) states development with no car parking will be supported, particularly in urban locations well-served by sustainable transport modes and which do not create barriers to access by disabled people.

The policy intent seeks development to prioritise travel by sustainable transport.

NPF 4 policy 14 b) refers to connectivity supporting a successful place. Including supporting well-connected networks that make moving around easy and reduce car dependency.

Policy Tra 2 (Private Car Parking) states permission will be granted for development where car parking provision complies with and does not exceed parking levels set out in council guidance.

The development will not include any car parking provision within the site boundary, and it is located near to sustainable transport modes. Lothian bus services 4, 5, 26 and 45 are on Portobello Road in five minutes' walk from the site. These services are accessed via a footway to the east of the site which links onto this road via Piershill Terrace. The proposed car free development is suitable in terms of the sites' sustainable location.

Regarding potential impact on traffic and congestion, the lack of designated car parking spaces, the sites' urban location near sustainable transport modes and provision of cycle parking will help to reduce reliance on private car usage and subsequent impact on the roads. No specific concerns have been raised from Transport Planning on this matter. Further mitigation measures have been recommended to the applicant as informative including a contribution to the Enterprise Car Club and provision of a Travel Plan highlighting local transport.

In regard to road safety, the changes to the road layout are not approved at this stage. Separate consent will be required for this work out with consideration of this planning application. The applicant should also submit a stage one road safety audit and an informative has been included in respect to this.

Access into the building will be taken from a widened footway out with the applicants' ownership. The suitability of this will also be considered as part of this separate consent. An informative has also been included to highlight this matter to the applicant.

Overall, Transport Planning have raised no objection to the proposals. The recommended informative regarding parking mitigation measures and requirement for separate consents have been included.

The reduced car parking provision complies with Council's standards and is appropriate in this urban location where the site is well-connected to sustainable modes of transport, a range of commercial and other services.

In this regard, the proposal complies with LDP policy Tra 2, NPF 4 policy 13 and part of 14 b) detailed above.

Works to the pavement and road will need to be agreed with the Roads Authority and are outwith the applicant's ownership. This notwithstanding, an informative has been included for the applicant to consider provision of a disabled parking bay having regard to NPF 4 policy 13 e).

Affordable Housing

NPF4 policy 16 e) states development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Market homes will be supported where affordable home contribution is at least 25% of the total unless LDP set out locations or circumstances where a higher or lower contribution is justified.

LDP policy Hou 6 (Affordable Housing) states that planning permission for residential development, including conversions, consisting of 12 units or more should include 25% affordable housing of the total number of units. For proposals of 20 or more dwellings, the provision should normally be on-site.

The affordable housing guidance states the payment of commuted sums in lieu of on-site provision will only be acceptable where the total number of dwellings is below 20.

The potential for the site to deliver on-site affordable housing provision has been explored. The applicant has engaged with two Registered Social Landlords (RSLs), the Wheatley Group and Harbour Homes Scotland however practical and viability issues have been raised.

As outlined in the Housing Development consultee response, there is difficulty in including a dedicated stairwell and entrance for the four affordable units due to the small size of the site. In addition, that mixed RSL ownership can result in management and maintenance issues. Therefore, sole ownership of affordable homes within a dedicated stairwell is sought. Majority ownership could not be achieved, and the number of units is less than an RSL would ideally seek. The estimated construction costs would be 25 to 30% higher than an RSL would be able to finance.

The development including estimated land value and associated costs has been independently assessed by a district valuer (DV). The DV has set out a commuted sum value based on 25% of the total number of new homes. For each unit, this equates to £18,276 with a total commuted sum of £87,000 for the development. This sum required is calculated based on the site's land value in line with the approach set out in the planning guidance on 'Affordable Housing'. The commuted sum would be secured through a S75 agreement.

The Housing and Development team raise no object to the proposals subject to the securing this commuted sum through legal agreement.

Subject to this agreement, the proposal complies with LDP policy Hou 6 and NPF 4 policy 16 e).

Flooding

NPF 4 policy 22 c) (Flood risk and water management) states development proposals will not increase the risk of surface water flooding.

LDP policy Env 21 (Flood Protection) states permission will not be granted for development that would increase flood risk.

As identified in the SEPA online flood maps, the site is not located in an area with a surface water, coastal or river flood risk.

The applicant has submitted a surface water management plan which have been reviewed by flooding officers. The proposal has been designed to mitigate against flood risk to account for the 1 in 200-year storm event plus a 40% allowance for climate change.

No objections from have been received from flood planning following receipt of Scottish Waters' approval of the proposed surface water discharge rate. An informative has been applied in respect to this.

In addition, the development incorporates measures to help reduce surface water run off including soft landscaping, permeable paving and green roofs.

Overall, the proposal has been designed to mitigate against the risk of future flood risk and complies with NPF 4 policy 22 and LDP policy Env 21.

Ecology

NPF4 Policy 3 (Biodiversity) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

LDP policy Env 12 (Trees) states development will not be permitted with damaging impacts on trees worthy of retention.

LDP policy Env 16 (Species Protection) states permission will not be granted for development that would have an adverse impact on protected species.

The submitted surveys identify the buildings and immediate area as having a negligible or low suitability for accommodating bats. In this regard, bats are not a constraint to development and no further information has been sought on this aspect. No other protected species are applicable to the proposal.

The proposal will include measures to enhance biodiversity on-site, including green roofs, greenspace, and new trees. An informative has also been applied encouraging use of swift bricks.

The existing trees in neighbours' gardens are in near proximity to the site boundary therefore a condition has been included for submission of an Arboricultural Method Statement prior to commencement of works. This is in order to ensure these specimens are suitably protected during the construction period.

In addition, the new development retains adequate space to these trees which will prevent any adverse impacts.

The development will therefore support and encourage local biodiversity. Subject to condition, it will have no adverse impact on trees in accordance with NPF4 Policy 3, LDP policy Env 12 and 16.

Archaeology

NPF4 Policy 7 o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

LDP policy Env 8 (Protection of Important Remains) and LDP policy Env 9 (Development Sites of Archaeological Significance) aim to protect archaeological remains.

The City Archaeologist has been consulted on the proposals and considers the development will have no significant archaeological impact.

In light of this, the proposal does not conflict with NPF 4 policy 7 or LDP policy Env 8.

Waste

Refuse facilities will be positioned to the rear of the site and the design statement refers to the bins being moved out to the front at appropriate times for collection.

This waste strategy has been reviewed by Waste Management Services who confirm agreement to the proposals with comments that this is only agreed with the applicants' factor agreement in place. In addition, that the applicant will be required to contact this department a minimum of 12 weeks prior to collection agreement. Informative have been included in regard to these aspects.

Education

LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact and where commensurate to the scale of the proposed development.

On 19 April 2023 the Planning Committee approved the Edinburgh Local Development Plan: Action Programme 2023. The latest pupil generation rates (PGR) were set out in the report and were used to assess the cumulative impact of housing developments across the learning estate.

Overall, the development is expected to generate two primary school pupils. No secondary school pupils are anticipated.

Based on 11 flats, a contribution of £42,130 is required. The 8 one-bed flats are excluded from this assessment. A Section 75 agreement is recommended to secure this provision.

Subject to securing this provision through legal agreement, the proposal complies with LDP policy Del 1.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

The proposal raises matters of equality as the upper floors of the residential development will be accessed via a staircase only limiting their suitability for certain individuals. However, the applicant has confirmed the five ground floor units will be fully wheelchair accessible with some range in unit size provided. In this regard, the development will still help increase provision of residential flats for a range of users. In addition, there are separate accessibility requirements under Building Standards as part of any subsequent Building Warrant process.

Through these above considerations, due regard has been had to the public sector equality duty under the above section of the Equalities Act.

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

objection

-Adverse impact on character and appearance of listed buildings: Addressed in section a) Listed Buildings

- Adverse impact on neighbour's amenity (daylight, sunlight, outlook, view, noise): Addressed in section b) Amenity
- Inadequate amenity for future occupiers (flat size, outlook): Addressed in section b) Amenity.
- Adverse impact on character and appearance of area (inappropriate design, scale, density): Addressed in section b) Design

Adverse impact on community through loss of amenities: Addressed in section b) Use. The loss of the existing uses to the local area cannot quantifiably be assessed under this planning application.

- Adverse impact on trees: Addressed in section b) Ecology.
- Adverse impact on ecology (bats / wildlife): Addressed in section b) Ecology

- Adverse impact on road safety: Addressed in section b) Transport
- Affordable Housing matters: Addressed in section b) Affordable Housing
- Increased pressure on local services and schools: Appropriate provision for infrastructure is required by legal agreement.
- Inadequate and inaccurate information submitted: The information submitted is considered to sufficient to determine the planning application.
- Neighbour notification: The neighbour notification has been carried out in line with relevant legislation.

general

- Adverse impact on local car parking: Addressed in section b) Transport.

support

- Contribution to need for housing: Addressed in section b) Use.
- Appropriate design, density, and appearance: Addressed in section b) Design, quality and place.
- Sustainable development: Addressed in Section b) Sustainability.
- Net positive impact for area: Addressed through section b) Use.
- Support for car-free development: Addressed through Section b) Transport.
- Cycle parking should include electric cargo bikes: This is not a policy requirement.

non-material considerations

- Likelihood of asbestos in existing building
- Impact on property value
- Potential noise and general disruption from construction activity
- May encourage additional off-street car parking locally
- Existing disruption from road works

Conclusion in relation to identified material considerations.

The material considerations support the presumption to grant planning permission.

Overall conclusion

Overall, the proposal is in accordance with the development plan and national planning framework 4.

The proposal will deliver a sustainable, well-designed development on a brownfield site that minimises environmental impact. The design is high quality and takes cues from the character of the surrounding area. Residential use will help support local living and is consistent with the six qualities of a successful place.

Subject to condition, the proposal will result in a satisfactory living environment for future occupiers and will not result in an unreasonable impact on neighbouring occupiers.

It encourages use of sustainable modes of transport and reduced reliance on car usage. No specific road or pedestrian safety issues are raised. It is acceptable in terms of equality.

Other material considerations support the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. (a) A site survey (including initial desk study as a minimum) must be carried out to demonstrate that, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning authority.
3. 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.
4. Prior to the commencement of works on site an Arboricultural Method Statement shall be submitted to and approved in writing by the planning authority. The Arboricultural Method Statement will then be adhered to throughout the duration of the construction period.

5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
 6. Prior to the commencement of development, a noise impact assessment should be provided which considers cumulative noise impacts from the air source heat pumps and plant room associated with the development with mitigation measures specified and agreed in writing with the Local Planning Authority.
 7. The approved mitigation measures as per the details of condition 6 shall thereafter be installed and operational prior to occupation of the residential development.
 8. Prior to commencement of development, details of an additional cycle store with capacity for at least 3 cycles shall be submitted to and approved in writing by the Local Planning Authority.
1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
 2. To ensure the site is safe and stable for the end use.
 3. In order to enable the planning authority to consider this/these matter/s in detail.
 4. In order to protect trees.
 5. To ensure the implementation of appropriate landscaping on-site.
 6. To ensure an appropriate living environment can be achieved for future occupiers and no adverse impact on neighbour's amenity.
 7. To ensure the implementation of mitigation measures to protect the amenity of existing and future occupiers.
 8. To provide adequate cycle provision for occupiers of the residential development.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms. -

These matters are:

The applicant is required to contribute the sum of £87,000 as an affordable housing contribution equating to 25% of the total number of units proposed in accordance with LDP policy Hou 6 'Affordable Housing'.

This site falls within Sub-Area 2 of Portobello 2 Contribution Zone. The following contributions are required for additional educational infrastructure:

Total infrastructure contribution required:

-£42,130

Note - 1. all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2022 to the date of payment.

Note - 2. The Education Authority has a statutory duty to provide school places. The Council will determine the appropriate means to address accommodation pressure across its learning estate, which may include prioritising baptised RC pupils or a statutory consultation to change catchment areas. Accordingly, contributions to increase the capacity of the learning estate should offer flexibility to be used as deemed appropriate by the Education Authority.

Note - 3. Prior to any decision being issued the Council requests the opportunity to review the per unit rates / contribution sought to respond to any changes to costs or circumstances because BCIS indexing is not in line with the costs to deliver education infrastructure and other applications in West Edinburgh may come forward prior to determination.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should consider the provision of 1No. car club vehicle. This would require a contribution of £7,000 but is not required to be included in a legal agreement.

The applicant should note that the proposed amendments to the road layout are not approved at this stage. Detailed design and approval by the Council as roads authority will be required, including potential drainage changes. The proposed works will require a redetermination order.

The applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric 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.

The applicant should consider whether the absence of internal lifts and the use of steps to the rear meet the obligations set out in the Equality Act 2010.

5. The applicant should submit a Stage 1 and / or Stage 2 Road Safety Audit.
6. The applicant should consider provision of a disabled car parking space.
7. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
8. The applicant should consider incorporating the use of swift bricks into the development.
9. The applicant should contact the Council's Waste Management Team (wasteplanning@edinburgh.gov.uk) a minimum of 12 weeks prior to any collection agreement.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 4 June 2021

Drawing Numbers/Scheme

01, 02, 03 A, 04, 05 A, 06, 07, 08 A, 09 - 19

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer
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Appendix 1

Summary of Consultation Responses

NAME: Scottish Water
COMMENT: No objections.
DATE: 16 January 2023

NAME: Transport Planning
COMMENT: No objections subject to condition or informative as appropriate.
DATE: 25 August 2023

NAME: Affordable Housing
COMMENT: No objections subject to requirement for a commuted sum to be secured through legal agreement.
DATE: 24 May 2023

NAME: Archaeology
COMMENT: No objections.
DATE: 26 May 2021

NAME: Communities and Families
COMMENT: No objections subject to education infrastructure of £42,130 to be secured by legal agreement.
DATE: 17 August 2023

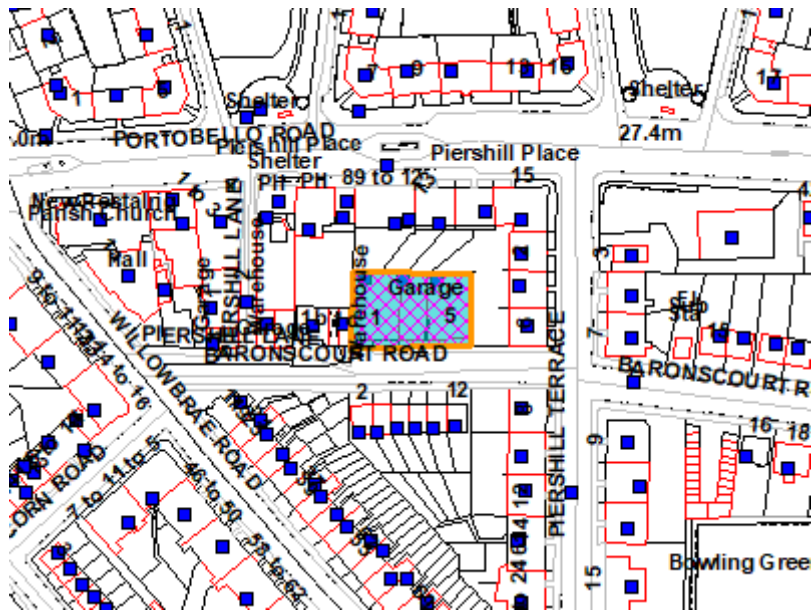
NAME: Flood Planning
COMMENT: No objections.
DATE: 1 July 2021

NAME: Waste
COMMENT: No objections - waste strategy agreed.
DATE: 15 June 2021

NAME: Environmental Protection
COMMENT: No objections subject to condition.
DATE: 31 July 2023

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

Location Plan



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