

Development Management Sub-Committee Report

Wednesday 6 December 2023

**Application for Planning Permission
Site 30 Metres Southwest of 7 Meadowbank, Edinburgh,**

Proposal: Erection of 8x flats, an office unit, relocation of sub-station and associated landscaping.

**Item – Committee Decision
Application Number – 23/01153/FUL
Ward – B14 - Craigentinny/Duddingston**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because thirty-nine letters of representation have been received, of which thirty-eight in objection to the proposals. 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

The proposal complies with National Planning Framework 4 Policies 1,7,14 and 22 and Edinburgh Local Development Plan Policies Hou 1, Hou 4, Des 1 and Des 4. The development is acceptable in terms of scale, design, and materials in this location. 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 complying with NPF 4 Policies 14 and LDP Policy Des 5. It encourages use of sustainable modes of transport and reduced reliance on car usage and subject to condition acceptable cycle parking provision can be provided, complying with NPF 4 Policy 13 and LDP Policy Tra 3. There are no other material considerations to outweigh this conclusion.

SECTION A – Application Background

Site Description

The site lies on the north side of Meadowbank Terrace on undeveloped land to the east of an existing tenement block. The land is a triangular area of ground measuring approximately 325sqmetres which is presently occupied by an electricity substation. To the south of the site, on the other side of the road, there is a row of four storey tenement buildings and to west there is a three-storey tenement. The main railway line is at the rear to the north and north-west of the site and further west is a road junction with London Road.

Description of the Proposal

The proposal is for the erection of eight flats, an office unit, the relocation of the substation and associated landscaping.

The building would be a single block, five storeys high, with a flat roof. The existing electricity substation is to be relocated and positioned separate from the proposed building. There would be cycle parking, an office and one flat on the ground floor, with four floors of residential accommodation above. The accommodation would comprise of two-bedroom flats on each floor. There would be a recycling and refuse area at ground floor level, adjacent to the residential block.

The proposed materials are sandstone and grey cladding for the walls.

No car parking spaces would be provided, but 16 cycle spaces would be formed within the ground floor. Amenity space would be provided to the rear of the building and external balconies.

Supporting Information

The following information is submitted in support of this application.

Design and access Statement
Revised Acoustic Report
Noise Impact Assessment

Relevant Site History

18/03011/FUL
Site 30 Metres Southwest of 7
Meadowbank
Edinburgh

New build apartment block with 11 dwellings and relocation of existing electricity substation (as amended)
Granted
22 March 2019

Other Relevant Site History

No other relevant site history

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

Transport Planning

Archaeology

Network Rail

Scottish Power

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

Publicity and Public Engagement

Date of Neighbour Notification: 28 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 39

Section B - Assessment

Determining Issues

This report will 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 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:

- NPF 4 Global Climate and Nature Crises Policy 1
- NPF 4 Historic Assets and Places Policy 7
- NPF 4 Brownfield, Vacant and Derelict Land and Empty Buildings Policy 9
- NPF 4 Sustainable Transport Policy 13
- NPF 4 Design Policy 14
- NPF 4 Quality Homes Policy 16
- NPF 4 Flood Risk and Water Management Policy 22
- LDP Design Policies Des 1, Des 4, Des 5
- LDP Housing Policies Hou 1, Hou 2, Hou 3 and Hou 4
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory Edinburgh Design Guidance is a material consideration.

Principle of Development

The site lies within the urban area of the LDP, where both the NPF 4 and LDP prioritise the delivery of housing land supply, providing proposals are compatible with other policies.

The neighbouring land uses are a mix of commercial and residential uses. The proposal would contribute to local placemaking by increasing the density of development on the site, and providing a mix of uses which are compatible with the existing character.

Through its city centre location, the proposal promotes sustainability complying with NPF 4 Policy 1.

The proposal complies with NPF 4 Policies 1 and 16 and LDP Policies Hou 1 and Hou 4.

Scale, Design and Materials

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

The new development would occupy the majority of the site which would be in-keeping with the density of the tenement flats to the west and south. It is located close to the city centre, where there are higher densities and a good level of public transport. The proposal creates two-bedroom flats, again in keeping with the character of the area.

The building form in this area is a variety of character and density which creates a mixed urban environment, with varying architectural styles. On this side of Meadowbank Terrace, the tenements are four storeys high at the western end, reducing to three storeys. On the opposite side of the road the topography is higher, and this is reflected in the tenements being greater in height. Corner buildings are frequently emphasised by having a higher roof profile.

The proposed building form would help to define the street corner and the increased scale and massing of the building would reflect a similar scale to that which exists nearby.

The building would be clad in sandstone cladding and rainscreen cladding, thereby reflecting the stone-built character of the area. The use of these materials would be acceptable and would complement the contemporary design. The glazing pattern would give an overall vertical emphasis to the built form and proportions.

The site lies to the east of the view cone of key view E8 London Road, Meadowbank-Calton Hill. When considering the view from the Meadowbank Terrace junction on London Road, the proposed development would not impinge on this view.

The proposal will retain the setting of the surrounding area and is acceptable in terms of scale, design, and materials. It complies with NPF 4 Policy 14 and LDP Policies Des 1 and Des 4.

Residential Amenity for Existing Residents

The new flats would face onto the Meadowbank Terrace and the railway line to the rear and comply with the requirements of the Council's Edinburgh Design Guidance in terms of privacy distances. This proximity to the railway matches the pattern of development in the area.

The incorporation of a commercial office space into the development would be in-keeping with the mixed uses of the area.

Having a mix of uses in a development can help both its sustainability and the sustainability of an area as a whole.

The proposal would be in compliance with LDP Policy Des 5 and the Edinburgh Design Guidance.

Residential Amenity for the Future Occupier

The new residential units are for two bedroomed units, which would have either have single or double-aspects. Three of the new units would be single aspect. The unit on the ground floor and fourth floor would be dual aspect, while the single aspect units at first, second and third floor level would have external balconies.

The proposed internal floor area for the ground floor flat would be 63 sq. metres, while those on the upper levels would be 60 sq. metres and 65 sq. metres, an infringement to the Guidance. The top floor flat would be 82 sq. metres. The ground floor flat would have private external space and balconies would provide amenity space to each of the upper flats. This is acceptable within a tenement environment and the site is close to Holyrood Park, which would provide high quality open space for the use of the occupants of the development. The proposal is in accordance with LDP Policy Hou 3.

A Noise Impact Assessment (NIA) was submitted in support of the application. In terms of transportation noise from road and rail, a specification for glazing and ventilators was established that will achieve the required internal noise standard. The glazing and acoustic ventilator specifications have been recommended as conditions. Given the urban location, there are noise sources to both front and rear; the opportunity to provide a quiet side to the development is not possible in these circumstances.

Vibration from the rail line was also assessed in the NIA and no mitigation measures would be required.

As there is an existing electricity substation on the site and the proposal involves it relocation within the site, there is the potential for ground contamination. Therefore, a condition has been attached requiring a site investigation.

The proposal is in keeping with the requirements of NPF 4 Policy 16 and LDP Policy Des 5.

Archaeology

The site has been identified as being within an area of local archaeological interest in terms of Edinburgh's industrial and railway heritage. It is recommended that a detailed historic building survey should be undertaken prior to any construction works. This will be secured by a condition.

The proposal complies with NPF 4 Policy 7.

Road Safety and Car Parking

The Roads Authority was consulted and returned no objections subject to appropriate conditions and informatives.

No car parking is proposed and this accords with the Council's parking standards. Cycle parking within the building would provide 16 cycle spaces, using a two-tier stack arrangement. The applicant is considering single tier parking. Therefore, a condition has been added requiring the details of cycle parking to be submitted.

Other issues raised regarding the provision of a car club vehicle and Travel Pan have been added as informatiives.

There are no road safety issues relating to the proposal.

The proposal complies with NPF 4 Policy 13 and LDP Policy Tra 3.

Surface Water Drainage and Flooding

The site has not been identified in SEPA flood maps as a site where there is a likelihood of surface water flooding.

The housing development would be connected into the existing public drainage network and any new external surfaces will either be green or porous paving.

The proposal is in accordance with NPF 4 Policy 22.

Rail Safeguarding

Network Rail was consulted on the proposal and raised no objection subject to the inclusion of suspensive conditions requiring details of landscaping, a trespass proof fence to be erected and a method construction statement to protect the stability of the adjacent railway embankment, the adjacent railway lines, and the safety of the rail network.

Whilst these concerns relating to construction are noted, these matters are subject to control under separate legislation.

Landscaping is included as part of the new development on the northern boundary adjacent to railway lines. Therefore, a condition has been attached requiring a landscaping plan to ensure the species selection is appropriate to the intended location.

Conclusion in relation to the Development Plan

The proposal complies with National Planning Framework 4 and Edinburgh Local Development Plan. The development provides a suitable residential development within a city centre location where there is a good level of public transport.

b) 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

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:

Thirty-nine comments were received with one supporting, while thirty-eight are objecting to the development.

Material Considerations - In Support

- more housing is a suitable land use; this has been addressed above in section a)

Material Considerations - Objecting

- size and design; this has been addressed above in section a)
- parking issues: this has been addressed above in section a)
- block view of Edinburgh skyline; this has been addressed above in section a)
- increased noise and overlooking for existing residents; this has been addressed above in section a)
- noise from railway reduce amenity for future occupiers; this has been addressed above in section a)
- loss of light for existing residents; this has been addressed above in section a)
- use of office on ground floor is out of character with residential uses; this has been addressed above in section a)
- site has historic significance, as it was once a private station for the queen; this has been addressed above in section a)
- no front gardens are provided unlike tenements opposite; this has been addressed above in section a)
- impact on sunlight and daylight for opposite properties; this has been addressed above in section a)

Non-Material Considerations

- construction of site detrimental to living conditions - this is not a material planning consideration.
- disruption during construction - this is not a material planning consideration.
- pre-meeting should have been held by applicant - this is not required for a local development
- refuse bins on the pavements - this is not a material planning consideration.
- no mention of affordable housing - LDP Policy Hou 6 requires proposals for residential development consisting of 12 or more units to include provision for affordable housing - This proposal is proposing less than 12 units.

- Didn't receive notification of development - neighbour notification was carried out in the correct manner.

Conclusion in relation to identified material considerations.

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal complies with National Planning Framework 4 Policies 1,7,14 and 22 and Edinburgh Local Development Plan Policies Hou 1, Hou 4, Des 1 and Des 4. The development is acceptable in terms of scale, design, and materials in this location. 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 complying with NPF 4 Policies 14 and LDP Policy Des 5. It encourages use of sustainable modes of transport and reduced reliance on car usage and subject to condition acceptable cycle parking provision can be provided, complying with NPF 4 Policy 13 and LDP Policy Tra 3. There are no other material considerations to outweigh this conclusion.

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

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

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

4. 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.
5. All mitigation measures identified in the Noise and Vibration Impact Assessment RMP Technical Report (NIA) R-8298A-NS-RGM 31st May 2023 shall be implemented prior to the occupation of the development hereby approved.
6. 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.
7. Notwithstanding information shown on the approved plans, details showing the design layout and specification of 16 secure cycle parking spaces for the residential development shall be submitted and approved by the Planning Authority. Cycle parking shall be installed and made available prior to the occupation of the development.
8. The ground floor North (Railway line) facing unit 0/1 shall have double glazing consisting of 6/12/4mm or equivalent glazing with an RTRA of at least 29dB.
9. The upper floor North (Railway line) facing units shall have double glazing consisting of 6.4/12/10mm or equivalent glazing system with an RTRA of at least 36dB.
10. The properties overlooking Meadowbank Terrace shall have double glazing consisting of 6.4mm laminated glass - 12mm air cavity - 10mm float glass or an acoustically equivalent glazing unit which provides a minimum RTRA of 36dB.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to safeguard the interests of archaeological heritage.

4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to protect the amenity of the occupiers of the development.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to ensure adequate provision of cycle parking facilities.
8. In order to protect the amenity of the occupiers of the development.
9. In order to protect the amenity of the occupiers of the development.
10. In order to protect the amenity of the occupiers of the development.

Informatives

It should be noted that:

1. 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.
2. 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.
3. A 1.8m high acoustic barrier shall be constructed along the north boundary line of the site, as marked up in Technical Report (NIA) R-8298A-NS-RGM 31st May 2023, Appendix A: The barrier shall be set back 500mm from the existing boundary fence. The barrier could be a masonry wall or a timber fence with close boarded or overlapping boards. The boards shall have a minimum density of 12kg/m² typically 18mm boards. There shall be no gaps at the base or anywhere else within the barrier.
4. The electrical substation building shall be fitted with acoustic louvres on the Meadowbank Terrace façade such as IAC SL100, or an alternative with the same or better acoustic performance as detailed in Technical Report (NIA) R-8298A-NS-RGM 31st May 2023, Table 10.
5. The specification of acoustic trickle vents is in part determined by the numbers in each room and is annotated on drawing 003 rev A.
6. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

7. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
8. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.
9. The applicant should consider the provision of a car club vehicle in the area. A contribution of £7,000 (£1,500 per order plus £5,500 per car) would be required.
10. The applicant should consider developing a Travel Plan including provision of 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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 16 March 2023

Drawing Numbers/Scheme

1A-9

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail: jennifer.zochowska@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: Environmental Protection offer no objections to the proposed development subject to conditions relating to noise.

DATE: 1 September 2023

NAME: Transport Planning

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 13 November 2023

NAME: Archaeology

COMMENT: The City Archaeologist offers no objections to the proposal and recommends that a programme of archaeological excavation is undertaken prior to/during development.

DATE: 17 April 2023

NAME: Network Rail

COMMENT: Network Rail have no objections to the proposed development subject to conditions.

DATE: 11 September 2023

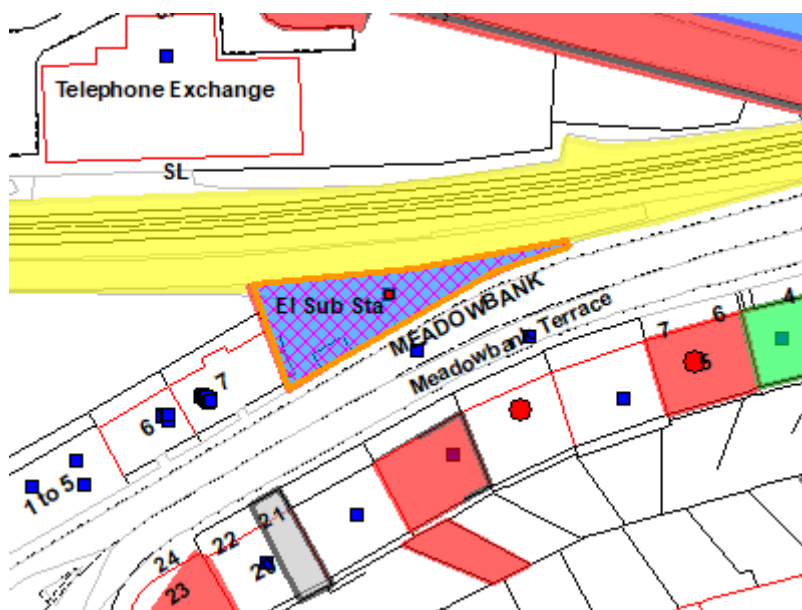
NAME: Scottish Power

COMMENT: Scottish Power offer no objections to the proposed development.

DATE: 17 July 2023

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

Location Plan



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