

Development Management Sub-Committee Report

Wednesday 13 March 2024

**Application for Planning Permission
525 Ferry Road, Edinburgh, EH5 2DW.**

Proposal: Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping, and parking (as amended).

**Item – Committee Decision
Application Number – 23/03649/FUL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 82 objections, 8 neutral comments and 5 support comments to the proposals have been made. 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

The proposal complies with National Planning Framework 4 and Edinburgh Local Development Plan policies. The proposal is for a sustainable redevelopment of a brownfield site that will contribute to local living and 20-minutes neighbourhood. The proposal is for a high-quality development design and will not have an adverse impact on its townscape surroundings. Neighbouring amenity will not be adversely affected, and future occupiers will have reasonable levels of living amenity within the development. Car parking levels will be below the maximum standard permitted and cycle parking provision and type is met. Trees identified and selected for their removal are acceptable and their replacement will be achieved through a high quality and biodiverse landscaping design. Conditions are required to address further matters in more detail and to ensure that a high-quality development is delivered. A legal agreement is required to secure provisions towards education infrastructure, provision of two club cars and 25% affordable housing provision.

The City of Edinburgh Council as Planning Authority direct that under section 58 1(b) of the Town and Country Planning (Scotland) Act 1997 in respect of planning application 23/03649/FUL the substitution for the period of 3 years with the period of 1 year to commence development.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site measures 1.37 ha and is the former data-centre office building, located north of Edinburgh at 525 Ferry Road. The building dates early 2000s and is three storeys high with a basement car park. The layout of the building is largely open plan with a glazed façade and flat roofs. There are currently 220 car parking spaces within the site with substantial areas of hardstanding.

The building has been vacant since 2018.

The site is served by a separate vehicular and pedestrian access from Ferry Road with the frontage occupied by mature trees and a stone boundary wall.

The site shares a boundary with Fettes playing fields to the east, a three to five storeys residential development within Kimmerghame estate to the south, a five to six storeys high Village Hotel/Gym to the west and Ferry Road to the north. On the north side of Ferry Road is Leonardo Aerospace and Morrisons supermarket.

Ferry Road is a key transport corridor with cycle lanes and is served by the local bus network (21, 27, 29, 37,38, 29). Crewe Toll roundabout lies 87 metres west from the site.

There are trees within the site. Group 1 trees to the south of the site consists of Leyland cypress. Group 2 trees to the north of the site include various species of broadleaf trees. The trees to the east of the site are within Fettes playing fields.

The site to the east lies outside Inverleith conservation area.

Description of the Proposal

The application is for the proposed demolition of existing office building and the development of residential with associated commercial and ancillary uses, landscaping, and parking.

A total of 256 flatted units are proposed, with 38 one-bedroom (20%), 89 two-bedrooms (46%) and 64 three-bedrooms (34%).

It is proposed to provide 65 affordable units within Block F. The mix of affordable housing includes 19 one-bedroom (39%), 33 two-bedrooms (41%) and 13 three-bedrooms (20%).

The proposal includes 1059m² of mixed-use workspace across four units at the ground floor level within Block E which will front onto Ferry Road. The following class uses are proposed:

- Class 1a (Shops, and financial, professional and other services);
- Class 3 (Food and drink - restricted café use to reheat non-cooking);
- Class 4 (Business); and
- Class 10 (Non-residential institutions)

A new vehicle access and egress is to be created on Ferry Road. Vehicle movement within the site will be limited to the commercial frontage for drop offs/deliveries/emergency vehicles. Vehicle movement also includes access and egress to the basement level for residential car and cycle parking, along with refuse store/collection.

The development layout is arranged in six blocks (A, B, C, D, E and F) and will be seven storeys high with a flat roof. Block A to E will have a recessed rooftop. The main treatment finish for the blocks is to include different tones of buff sandstone facing brick with aluminium cladding for the recessed top storeys. The design detail includes projecting balconies, Juliette balconies, roof terraces and full height glazing. The flat roofscape is to have a sedum finish with the exception that block F will have a blue/green roof.

The commercial frontages on the ground floor will have full height curtain glazing (doors and windows) with white pre-cast concrete wall panels, including projecting white pre-cast concrete string course. The commercial frontage will be interrupted by sections of aluminium rainscreen cladding with glazed entrance doors with full-height side panels on the ground floor, providing controlled access to residential.

A new public realm/landscaped space is proposed along Ferry Road. Alterations to existing stone walls includes reduction to its height and formation of new openings to enhance permeability for pedestrians and cyclists. At the centre of the site is a communal courtyard area, providing shared amenity spaces with footpaths and landscaping throughout the site. A SUD's pond is to enclose the south and east sections of the site with a boardwalk. Private communal gardens and patios within the development are to serve the residents only.

A link between the Village Hotel to the west and the site is proposed to encourage active travel. A future link between the Kimmerghame development to the south and the site is also proposed.

Within the basement level, 77 car parking spaces are to be provided. This includes 10 accessible spaces and 25 EV charging spaces for the 256 residential units. A further three car parking spaces on the ground level is proposed for taxi drop offs/deliveries, including one disabled parking bay.

Secure cycle stores are located within the basement and Mobility Hubs on the ground floor. The proposal includes 589 secure cycle parking spaces for the 256 residential units as follows: 235 Sheffield stands (40%), 119 non-standard (20%) and 235 double-stack (40%). An additional 44 visitor cycle parking spaces are proposed on the ground floor, adjacent to communal entrances and within the courtyard garden.

It is proposed to remove thirty-three category B and one category C trees. Group 1 trees are to be removed in their entirety. Group 2 trees are to be selectively removed. Approximately 68% of the site area is to be landscaped with trees, shrubs, and wildflower planting.

Energy demand will be met through low energy LED lighting, heat recovery ventilation, thermostatic heating controls, low water consuming fittings and energy metering and display monitors.

Supporting Information

- Design and access statement
- Planning statement/community benefit/affordable housing
- Sunlight, daylight and overshadowing study
- Town and visual impact assessment
- Pre-application consultation report
- Archaeological desk-based assessment
- Tree survey report
- Preliminary ecological appraisal, bat and biodiversity net gain report
- Biodiversity metric
- Landscape ecology and biodiversity report
- Pre-demolition audit
- Embodied carbon and circular economy summary
- Energy statement
- Flooding, drainage and surface water strategy
- Sustainability statement
- Commercial market report
- Air quality assessment
- Noise impact assessment
- Phase 1 desktop site investigation report
- Review of estate management and maintenance strategy
- Stage 1 road safety audit
- Transport assessment
- Odour risk assessment

These documents are available to view on the Planning and Building Standards online portal.

Scheme one

The original scheme was amended to address cycle parking provision, waste requirements and to provide a stronger definition between private and public spaces.

Relevant Site History

99/03373/FUL

525 Ferry Road

Edinburgh

EH5 2DW

Office development, with associated car parking and landscaping (as amended)

Granted

24 February 2000

22/05019/PAN
525 Ferry Road
Edinburgh
EH5 2DW

Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping and parking.

Pre-application Consultation approved.

21 October 2022

22/05991/SCR
525 Ferry Road
Edinburgh
EH5 2DW

Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping, and parking.

EIA Not Required

13 December 2022

Other Relevant Site History

History of neighbouring sites

Site to west:

04 July 2013 Demolition of existing office building and construction of five storey hotel (Class 70 with associated facilities, car parking, hard and soft landscaping (application reference 12/04235/FUL).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Children and Families

Environmental Protection.

Transport Planning

Flood Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 15 August 2023

Date of Renotification of Neighbour Notification: Not Applicable
Press Publication Date(s): 25 August 2023
Site Notices Date(s): 22 August 2023
Number of Contributors: 95

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 NPF4 and LDP policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3, 6, 7, 9, 12, 13 and 18;
- NPF4 Liveable Place policies 14, 15, 16, 18, 20 and 22;
- NPF4 Productive Place policies 25 and 28;
- L DP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7 and Des 8;
- LDP Environment policies Env 12, Env 21 and Env 22;
- LDP Employment and Economic policies Emp 9;

- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6 and Hou 7;
- LDP Retail policies Ret 6 and Ret 11;
- LDP Transport policies Tra 1, Tra 2, Tra 3 and Tra 4; and
- LDP Delivering the Strategy policy Del 1.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of the Housing, Design and Transport policies and other Environment policies listed above. Non-statutory 'Affordable Housing Guidance' is relevant to assessing affordable housing policy.

Principle

Employment sites

LDP policy Emp 9 sets out the criteria for proposals to redevelop employment sites or premises in the urban area for uses other than business, industry, or storage.

The site was last in use as an office building and has been vacant since 2018. The Planning statement cites several factors that make the building unattainable for its continued use (utility cost, inefficiency of the mechanical and electrical systems, security and impact of major flood in November 2022). The site has been marketed to the office market for over three years and remains unlet, indicating that there is no demand for this type of building in this location. When last marketed, the building had an EPC C rating with no other environmental accreditations.

The existing building was purposely designed as a combined bank office and data centre. However, both functions have become redundant as technology, working practices, and workplaces have evolved. The building was designed for single occupancy with no flexibility or multi-occupancy considered at the outset to allow the building to be future proofed. There is neither a realistic or viable scope to repurpose and retrofit the existing building for multi-occupation and this is a relevant material consideration in the assessment of this application.

The proposal along the northern frontage within Block E includes 1059m² of mixed-use workspace across four units at the ground floor level which would provide for a range of business users (Class 1a, 3, 4 and 10). As detailed in the assessment below, the introduction of housing on this site will not prejudice or inhibit the activities of nearby employment uses.

Compliance with LDP policy Emp 9 is met.

Demolition

NPF 4 policy 9 supports development proposals that will result in the sustainable reuse of brownfield land, including vacant land and buildings with demolition regarded the least preferred option.

NPF 4 policy 12 seeks to facilitate development that is consistent with the waste hierarchy in terms of reduction and reuse of materials.

The accompanying embodied carbon summary considers demolition and retention scenarios. It shows that retention of the existing building would have a lower embodied carbon impact but would not achieve the biodiversity gains proposed.

Having regards to embodied carbon, the proposed development would allow the site to be adapted sustainably to a new use with existing infrastructure that would encourage local living and 20-minute neighbourhoods in line with NPF4 policy 15. The basement level will be retained for underground parking to support a high development density on the site that would conserve a degree of embodied energy.

In terms of zero waste, the accompanying circular economy summary considers a range of circular economy principles to minimise environmental impacts, maximise the value extracted from materials and prioritise the reuse and recycling of materials.

Compliance with NPF4 policies 9 and 12 is met.

Mixed uses

A mix of uses is proposed (Class 1a, 3, 4 and 10) for the commercial units on the ground floor and this is market units flexibly.

Environmental Protection were consulted on the proposal and advises that no noise assessment or mitigation details have been provided to ensure that structurally attached residential properties will not be affected by noise from the proposed commercial operations. It should be noted that the construction of the premises through the building warrant stage will ensure that there is appropriate noise mitigation in place before work begins.

The introduction of a Class 4 (Business) use is acceptable as this is a use that can be carried on in any residential area without detriment to the amenity of that area.

The proposed Class 3 (Food and drink) use is intended to be for a restricted café use. It should be noted that no ventilation details have been provided. It will therefore be necessary to condition and restrict the proposed Class 3 use to ensure that no cooking takes place. This is to ensure compliance with LDP policy Hou 7 and Ret 11.

The proposed Class 10 (Non-residential institutions) is not supported by Environmental Protection. A Class 10 use can include a number of uses which have the potential to seriously impact on residential amenity, such as place of worship or a nursery. The applicant has agreed to remove reference to Class 10 use not being approved, or alternatively a suitably worded condition to ensure that no Class 10 use will be permitted without a detailed acoustic assessment being submitted to and approved. Given that acoustic impacts and mitigation for a Class 10 use is not known, it would be inappropriate to consent/condition this element of the proposal. A separate planning application would be required to assess a Class 10 use in more detail and to ensure that any acoustic measures can be conditioned and enforced.

The proposal seeks to introduce Class 1a (Shops, and financial, professional and other services) use. In terms of the town centre first sequential approach, the proposal is an out of centre location where NPF 4 policy 28 and LDP policy Ret 6 applies.

The proposed Class 1a use is consistent with NPF4 policy 28 (c) as it seeks to create a new community with 256 residential units proposed with a need for neighbourhood shopping to contribute to local living and 20-minute neighbourhood. This is also in line with NPF4 policy 15. While the proposal includes 1059m² of mixed-use workspace and is intended to be marketed for Class 1a, 3 and 4, it is not known if it will result in a scenario where all the units end up being used for Class 1a use only. The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended in April 2021) includes financial, professional, and other services within retail/shop uses. The LDP recognises the benefits in providing small scale, convenience stores (up to 250sq.m gross floorspace) in locations easily accessible on foot or by cycle. In this case, it is not necessary to demonstrate that there is no site suitable or to provide a retail impact assessment. In addition, it is not necessary to impose a floorspace restriction on a Class 1a use in this location.

Conditions are required to exclude a Class 10 use and to make it clear what class uses are permitted within the proposed development. Compliance with NPF4 policy 28 and LDP policies Ret 6, Ret 11 and Hou 7 is addressed.

Housing

NPF4 policy 16 f) (ii) states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods.

The site lies within an urban area defined in the Edinburgh Local Development Plan (LDP). Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan.

As detailed in the assessment above and below, the principle of housing on the site is supported as a policy compliant scheme can be delivered.

Compliance with NPF 4 policy 16 f) (ii) and LDP policy Hou 1 is met.

Development design and layout

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 (healthy, pleasant, connected, distinctive, sustainable, and adaptable).

This part of North Edinburgh is characterised by low density suburbs, large buildings, and car parks. The Crewe Toll roundabout/Ferry Road is currently dominated by vehicles with no active frontage.

The pattern of development of North Edinburgh has been shaped by the large private estates which have evolved into the large areas of green space, comprising Fettes College, Inverleith Park and Botanic Gardens which separates the north of the city from the city centre. Whilst the green space that essentially forms the Inverleith Conservation Area has positive amenity benefits, it makes the North of Edinburgh appear disconnected from the city centre and further away than it is.

The proposal is for a high density of development where it equates to 186.86 units/ha and this does not reflect the development pattern of its surroundings. However, the proposed development, by virtue of its scale, form, massing, detailing and materials will introduce an assertive change along Ferry Road with new uses to create a welcoming and active frontage compared to existing situation.

The proposal retains the existing underground car parking in which individual blocks are centred around a high landscaped courtyard above with seating furniture, with amenity spaces extended to boardwalks with SUDs ponds. Pedestrian priority is prioritised with road space within the development kept to a minimum/restricted to the north and east of the site and this is welcomed.

Due to the height and scale of the development, the proposal will be a notable building from arterial routes in the northwest of the city. The Townscape and Visual Impact Assessment (TVIA) demonstrates through extensive analysis that the proposal will not impact adversely on its surroundings, including the setting of the Inverleith Conservation Area and city skyline. At seven storeys in height, the proposed development would exceed the upper limits of what would sit comfortably within the canopy heights of the mature trees in Inverleith and rises above the Village Hotel's five storeys and six storeys Kimmerghame development, with much lower rise housing to the southwest. There is, however, potential to allow a bolder treatment along Ferry Road frontage in which the development would be set back.

A TVIA was provided on request to show the impact of the proposed tree removal of Kimmerghame side. As mentioned in the tree assessment below, the removal of the trees is to allow this section of the site to be replaced with more biodiverse planting and to achieve integration with the adjoining residential areas. While the removal of the trees would introduce a change, the visual impact will not be adverse.

Representations received comment that the proposed seven storey development is too high. It should be noted that blocks shown as six storey (+ one) have a recessed rooftop storey with a lightly coloured aluminium cladding finish which is to create a 'lightweight' effect. This approach will help to reduce the overall impact of the proposed development height and to allow the detailing and arrangement of the blocks to achieve articulation/interest as opposed to having a dull/monolithic impact.

In response to the setting of the individual blocks within the landscape, the development will be finished in a complimentary range of brick tones that reflect a gradation of white-buff to blonde colours. The tones have been selected to bring variety and interest to the street edge and character to the individual buildings. A high-quality light-buff brick has been selected for Blocks A-D. A blonde brick has been selected for the public frontage of Blocks E and for Blocks F in response to the existing sandstone boundary wall and the wider character of Edinburgh as a city.

To express the public frontage, the ground floor of Block E is to be finished in a high-quality pre-cast concrete with large commercial glazed openings. The ground floor elements are bound together through the site by the use of a rusticated brick base detail which is to speak to the landscape character of the new neighbourhood.

The prominent corner building facing Crewe Toll is elevated with a vertical emphasis and an alternative masonry tone has been used to signify this and to mirror the corner of the original Ferranti Building.

The proposed use and justification of the simple and refined palette of materials is acceptable. The proposed treatment finish will enable the development to achieve a sense of place that will be distinctive and attractive.

While the TVIA confirms no adverse impact, this will depend on the final treatment finish which has varying degrees of lightness which the EDG cautions against. It will therefore be necessary to condition all external treatment finishes to ensure no adverse visual impacts. This is to ensure compliance with LDP policy Des 4.

Wider network connections to enhance community safety (active frontage) and urban vitality in this location would be achieved with the introduction of a new public realm/landscaped space along the commercial frontage on Ferry Road. This will provide safe and convenient connections on foot and by cycle from Ferry Road in line with LDP policy Des 7 and Des 8. Within the courtyard area and periphery of the blocks, the proposal includes extensive network of paths with multiple choice for amenity spaces/enjoyment. The retention of existing features within the site, including trees and alteration to existing boundary walls along Ferry Road frontage will add and strengthen its character. This is in line with LDP policy Des 3.

The proposed internal street level to west boundary will drop below the adjacent level of the Village Hotel to access the below ground parking. To the north, level access will remain to the parking areas to the Village Hotel frontage and restaurant.

In terms of connectivity/walkable communities, a link between the Village Hotel to the west of the site is proposed. While the delivery of this link would require the agreement of the adjacent landowner to implement the connection, it can be delivered to the site boundary for shared footway/cycle use with 1:22 gradient level which is acceptable. A future link between the Kimmerghame development to the southwest is indicated but would require agreement of the adjacent landowner to implement this connection. It should be noted however, that the delivery of this link may be constrained by the proposed SUDs. While details of this future link are not fully known at this stage, the potential to enhance active travel measures (walking and cycling) in the future is demonstrated and this does not preclude assessment of the scheme overall. All paths within the landscape areas are generally at slopes gentler than 1:20 to provide accessible routes and this is acceptable.

Landscape features within the development includes open space at ground level, terraces and roofscape. In terms of its layout and treatment of soft landscape and public realm, the landscape strategy sets out a logical series of spaces to achieve distinctiveness and this is acceptable.

The drawings were amended to provide a clearer definition between private and public open spaces with the width of the entrance to private communal back green from the street to the west of the site reduced. This was to enhance the level of privacy for communal gardens from those passing through the area and, particularly if the adjacent site was to be redeveloped and connected to this application.

The SUDs strategy across the site is positive in terms of its use of blue-green roofs, swales, rain gardens and suds basins.

Representations receive state that the proposed flat roof will attract seagulls and pigeon nesting which is currently an issue within Kimmerghame estate. The proposed development incorporates a green roof, which is designed to enhance biodiversity/habitat benefits and this is acceptable. It should be noted that Kimmerghame estate do not have green roofs.

It should be noted that the landscape plans refer to 'tree types and planting mixes' but do not confirm their species or characterisation despite there being lots of examples in the landscape and ecology strategy. A condition requiring further details of the landscape plan, including hard and soft landscaping, boundary treatments and street furniture are required. This is to assess this matter in more detail and ensure that a high-quality landscape design is delivered.

In line with NPF 4 policy 20 (e), a landscape maintenance schedule was provided, and this appears to be acceptable. The proposed development will be managed by private factoring.

While the proposed development is for a high density of development, the proposal demonstrates a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDS features. The six qualities of successful places will be achieved through the proposals high-quality development design and landscaping.

Compliance with NPF 4 policies 14 and LDP design policies is met.

Trees

NPF4 policy 6 seeks to protect and expand tree covers. LDP policy Env 12 states that development proposals will not be permitted if likely to have a damaging impact on a tree protected by a Tree Protection Order (TPO) or any other tree or woodland worthy of retention unless for good arboricultural reasons. Where acceptable, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The trees within the site are not protected by a TPO. To facilitate the construction of the site, 43 trees along the edge of Ferry Road would be removed with the loss mitigated through the planting of 111 new trees and this is acceptable. On the Ferry Road frontage, 12 selected trees would be retained to enhance community security and pedestrian character, and this is welcomed.

Group 1 trees (Cypress hedging) to the south of the site are to be removed and this is acceptable. The Group 1 trees previously had been planted to separate the existing and residential uses and is constrained by a retaining wall that overshadows the site. Its removal would be replaced with more biodiverse planting and allow for integration with the adjoining residential areas. In addition, the Group 1 trees were assessed as being category C trees, meaning that they are of low quality with a limited lifespan of at least ten years, whereas the development proposals make provision for a suitable long-term structural tree planting in this location and would avoid overshadowing the planted swale.

While the proposal will involve the removal of trees, it will also replace extensive areas of hardstanding with soft landscaping and introduce a greater range of habitats through use of blue/green infrastructure and various SUDs treatments proposed at roof, courtyard level and to the south and east of the development.

Outside the application, the trees to the east of the site within Fettes playing fields are protected. It has been confirmed that the installation of the proposed SUDs will not result in excavation within the root protection of these trees. The submitted Arboricultural Impact Assessment (AIA) advises the need for an Arboricultural Clerk of Works to oversee the tree works and protection due to the proximity between the works and adjacent trees including removal of existing block paving, gas sub-station and installation of SUDs. A condition therefore is required to ensure that the works will not have a damaging impact on protected trees.

Overall, impacts on existing trees have been identified and addressed. The identified removal of trees and their replacement is acceptable. Compliance with NPF 4 policy 6 and LDP policy Env 12 is met.

Neighbouring amenity

NPF 4 policy 14 and LDP policy Des 5 seeks to safeguard the amenity of neighbouring developments.

A sunlight, daylight and overshadowing study was provided, demonstrating the before and after situation.

Daylight

The daylight study considers impact to existing residential buildings to the south of the proposed development. The results demonstrate that the majority of the windows achieve the Vertical Sky Component (VSC). For the windows that have VSC less than 27% in the post development situation, the analysis against the allowable 0.8 reduction factor concluded that all windows comply. The proposal will not result in adverse loss of daylight, and this is acceptable.

Privacy

Representations received comment that the proposed development height and removal of existing trees would result in loss of privacy. EDG advises that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. The proposed six storeys (+ one storey recessed rooftop) Block A to Block C will have a privacy distance approximately 20 metres six storeys high residential blocks on Kimmerghame Place and this is separation distance is acceptable. While there would be a change in the level of privacy currently enjoyed by existing residents within Kimmerghame Place, it should be noted that the trees to the south of the site are within the control of this application.

The distance between Block A and to the rear garden of number 2 to 10 Kimmerghame Row is approximately 53 metres and this is acceptable. It should be noted that the windows on the west elevation on Block A do not face directly onto opposing windows from this distance.

While the rooftop terraces would be capable of overlooking into the gardens, there would be no more of an impact compared to the overlooking from existing developments on Kimmerghame Place. The proposed development will not result in adverse loss of neighbouring privacy levels.

Sunlight

A sun path analysis was provided to show pre and post residential development during the Spring Equinox (21st March). The adjacent Village Hotel to the west of the site comprises of a visitor carpark but does not include any amenity areas. Shading to Fettes Playing Fields to the east of the site, which occurs during afternoon hours, is similar for both the current and proposed situation. This is due to the existing high growing trees rather than the development proposed.

Shading to the amenity areas belonging to the apartment blocks on Kimmerghame Place, directly south of the proposed development is shaded by the existing apartment blocks themselves. Therefore, the proposal will not introduce additional loss of sunlight. It should be noted that this section comprises of parking bays with landscaped sections of grass and shrubs.

The sunlight study demonstrates that the whole of the rear garden amenity space at number 2, 4, 6, 8 and 10 Kimmerghame Row receive more than two hours of sunlight on the 31st of March (spring equinox). The proposal therefore will not result in adverse overshadowing to existing amenity spaces, and this is acceptable.

Noise

The proposal is compatible with nearby residential uses and will not exacerbate the situation in terms of noise.

Overall, the proposed development will not result in adverse loss of daylighting, sunlight, or privacy. The proposal is compatible with nearby residential uses in terms of noise.

Compliance with NPF 4 policy 14 and LDP policy Des 5 is met.

Development amenity

Agent of change - Noise

Under Section 25 of the Planning (Scotland) Act 2019, the application site is identified as being a 'noise sensitive development' due to its proximity to Village Hotel to the west of the site which has items of plant located on the roof and ground level. In addition, the hotel has a function suite at the south-east end of the building with can host events and amplified music. The provisions of the Act detail the Agent of Change (AofC) principle which seeks to protect existing owners and occupiers, including cultural venues or facilities, from any additional burden from new noise sensitive developments. The onus is on the new development to ensure compliance on its own land.

A Noise Impact Assessment (NIA) was provided, and Environmental Protection were consulted. The NIA covered road traffic, fixed plant, and music. Environmental Protection do not support the use of closed windows ventilation as a form of mitigation.

It should be noted that 10% of habitable rooms (76 of 788 total) require closed windows ventilation for music noise and this is a small minority. The inclusion of MVHR improves energy performance. Given the urban setting of the site, particularly nearby road traffic noise, background ambience noise during the day is to be expected. For this reason, there are exceptional circumstances to allow a 'windows closed approach' for 10% of habitable rooms to mitigate against music noise. In accordance with the Agent of Change (AofC) Principle, consideration has been given to impacts on future occupiers.

Further to the above, it should be noted that 49% of habitable rooms across the development (386 of 788 total) require closed window assessments and alternative means of ventilation to appropriately mitigate road traffic noise. A further 2% of habitable rooms (18 of 788 total) require closed window assessments and alternative means of ventilation to appropriately mitigate plant noise from the adjacent hotel.

Environmental Protection comment that the NIA did not include assessment in relation to heat air source pumps (ASHP). It should be noted that ASHP are not proposed, and the applicant has confirmed that there would be no centralised ASHP on the roof. The flats will have their own electric MEV heat pumps internally. It is expected that each of the four commercial units would have variable refrigerant flow (VRF) located within the internal plant rooms at the rear. Any plant associated is expected to achieve NR25 targets with windows open at the nearest receptors both within and outwith the development. Therefore, a condition is required to ensure that all plant equipment do not breach NR25 target when measured within the nearest living apartment.

In summary, future occupiers will have acceptable levels of living amenity within the development in relation to noise in this urban setting.

Nearby cooking odours

The proposed development will have windows higher than the existing hotel cooking ventilation extraction point. Environmental Protection has raised concerns that hotel cooking odours have the potential to impact on the residential amenity of the proposed properties and the potential for complaints to be received.

An Odour Risk Assessment was carried out. The report advises that there are eight units on the west side of the proposed development on floors five and six that may be affected by any odour emitted from the Village Hotel kitchen exhaust. These units are located between 27- 30 metres to the northeast, east and southeast of the source. It is likely that these units will be more susceptible to odour effects during south westerly and westerly winds. A mechanical ventilation system has been included in some of the development plans, including the apartments likely to be affected by odours. The report advises that those properties are already likely to require to keep their windows closed due to noise and so the closed windows will act to address odour concerns as well.

As with noise, Environmental Protection do not support the use of closed windows ventilation as a form of mitigation for odour. However, the use of closed windows will only affect eight of the proposed units (3%) and this is a small minority.

Mix

EDG advises that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. Out of the 256 units proposed, 64 will be for three-bedroom units (34%) and this comfortably exceeds the 20% threshold. Compliance with LDP policy Hou 2 is met.

Floorspace

The proposal meets the minimum floorspace standard contained in the EDG.

Privacy

The blocks are sited, and the windows/balconies are arranged to ensure that future occupiers will have reasonable levels of privacy within the development. The balcony-to-balcony distance between blocks ranges from 10.5 metres to 35 metres and 58 metres and this is acceptable. The south elevation of Block F and the north elevation of Block A is sited the closest with the window-to window distance approximately 14 metres apart. The rooftop terraces on the sixth floor are set back from the projecting balconies. The windows and balconies are designed to overlook the central courtyard, and this is acceptable.

Daylight

In terms of daylight targets, the proposed scheme has been tested using the Vertical Sky Components (VSC) and Average Daylight Factors (ADF). Only where a daylighting pass could not be demonstrated using the VSC and ADF, a more computational heavy assessment of the "no skyline" criteria was carried out. The daylight study confirms that a total of 39 areas was assessed under the no skyline method in which four areas across all five apartment blocks fail to meet their daylighting target. The failed areas relate to the ground floor within Block A and Block C and one area on the first floor within Block E. This is due to shading by adjacent buildings in combination with shading from above balconies or a deeper room plan. The daylight modelling results confirms that 99.6% of habitable areas of the new buildings can meet daylighting requirements and this is acceptable.

The testing of additional daylight improvement measures demonstrated that daylighting levels could be further improved if balconies were to be removed from the scheme. However, this was decided against due to their wider sustainability and well-being benefit associated with them (summertime shading).

Overall, future occupiers will have reasonable levels of daylight levels within the proposed development.

Aspect

EDG advises that single aspect dwellings should not make up more than 50% of the overall dwelling numbers and developments should avoid single aspect dwellings that are north facing, exposed to noise sources, or contain three or more bedrooms.

Out of the 256 units proposed, 56% of the units will be dual aspect flats which exceeds the minimum 50% requirement. The unit mix for single aspect flats includes 62 one-bedroom (24%) and 51 two-bedrooms (20%).

In terms of exposure to noise sources but mitigated through closed windows, 10 single aspect units will face north onto Ferry Road and 19 single aspect units will face west onto Village Hotel. The remainder of the single aspect units are located on the east, south and façade to optimise their orientation and their relationship to the landscaped areas and this is acceptable.

Open space

LDP policy Hou 3 sets out the criteria for private green space in housing development.

Amenity provision within the development includes public realm (36%), shared communal (38.5%), private communal (16%) and ground floor private gardens (9.5%). The proposal is for 256 flats and 19 units will have private ground floor flats. The requirement for communal provision is 10m² per flat (excluding units provided with private gardens). A communal provision of 2,370 m² is therefore required. The central courtyard provides 2626m² of shared amenity and Blocks A-C share 1073m² of private communal amenity. The proposal exceeds the requirement for communal provision, and this is acceptable.

Additional amenity provision for the residential blocks includes private balconies (167 units) and terraces (12 units).

More than 20% of total site area will be useable greenspace (including SUDs and boardwalk). The sunlight study demonstrates that the communal courtyard space will achieve three to five hours (or more) per day during the Spring equinox. This exceeds EDG minimum requirement of two hours of sunlight, and this is acceptable.

Future occupiers will have reasonable levels of living amenity within the development in relation to floorspace, daylight, sunlight, and open space. The proposed development density ensures that an attractive residential environment can be achieved.

Compliance with NPF4 policies 14 and 16 and LDP policies Des 5 and Hou 4 is met.

Parking

Car parking

Out of the 256 residential units proposed, 77 car parking spaces will be provided within the basement level. This means that 30% of the flats will have a parking space. The proposed parking levels complies with the maximum standards in the EDG and given the accessibility of the site to nearby public transport, this is acceptable.

The quantity of accessible spaces and EV charging spaces also complies with EDG parking standards.

Representations received comment that the proposed level of car parking is not reflective of the number of units proposed and would have a knock-on effect on parking in the neighbouring areas. The objective of the car parking standard is to reduce reliance on car ownership and to encourage ways of travelling more sustainably. The application was accompanied by a travel plan, outlining measures to reduce car ownership (welcome pack/ bus timetable). In addition, the applicant has confirmed commitment to invest in two club cars.

It should be noted that it is not within the scope of this application to resolve existing car parking issues within the Kimmerghame estate as planning cannot control where individuals choose to plan their journey/park their cars.

Cycle parking.

The quantity and types of secure cycle parking complies with the EDG and the Council's C7 Cycle Factsheet. In addition, the numbers and location of short stay visitor cycle parking is acceptable.

Transport Planning were consulted and raised no issues with the proposed car and cycle parking arrangement.

Compliance with NPF 4 policy 13 and LDP policies Tra 2, 3 and 4 is met.

Other Matters

Transport impact.

A transport assessment was submitted, and Transport Planning were consulted on the proposals.

The proposed development is predicted to result in fewer persons trips than the existing office use during the period 0700 to 1900 on a weekday. Predicted peak hour vehicular trips are 88 and 72 for the morning and evening peak periods respectively.

The proposed junction within the development is estimated to operate well within capacity. This also includes the addition of traffic estimates associated with the development.

Regarding accessibility of the site by modes other than the car, the available Lothian bus services on Ferry Road and Crewe Road South are 21, 27, 29, 37,38, 29. In addition, on Ferry Road, there are dedicated cycle lanes. In terms of quiet routes for cycling, the site is within distance to route 11 (Roseburn - Pilton - Leith).

Representations received query why Trams should be suggested as a possible transport option when unlikely to be delivered by 2035. Reference to the Trams seeks to highlight how a connected local living and 20-minutes could thrive beyond ten years. Transport Planning have not requested a contribution towards Trams and is satisfied with the proposed travel measures.

Compliance with LDP policy Tra 1 is met.

Air quality

Inverleith Row is an air quality management area (AQMA), situated to the east of the site and the proposed development will feed traffic into the AQMA.

An air quality impact assessment was provided, and Environmental Protection were consulted. Compared to the existing and proposed situation, the proposed development will have no significant impact on the local air quality of existing residents. Environmental Protection does not object to the proposed development on air quality grounds.

Flood impact.

NPF4 policy 22 c) states development proposals will (i) not increase the risk of surface water flooding to others or be at risk; (ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer; and (iii) seek to minimise the area of impermeable surface.

The application was accompanied by a Flood Risk Assessment (FRA) and a Surface Water Management Plan (SWMP). Flood Planning were consulted on the proposals and advised that the application can proceed to determination.

The applicant is proposing to discharge surface water to the combined network and Scottish Water has confirmed acceptance of this arrangement.

Compliance with NPF4 policy 22 c) and LDP policy Env 21 is met.

Protected species

NPF4 policy 3 seeks to protect and enhance biodiversity and LDP policy Des 3 seeks to ensure that existing features/characteristics worthy of retention are incorporated in the design of development proposals.

The application was accompanied by Preliminary Ecological Appraisal (PEA). The survey reported no signs/evidence (bats, badger setts and birds) of species protected by legislation on the site. In these circumstances, a licence from NatureScot is not required.

The PEA outlines several biodiversity enhancement measures, including bat/swift boxes. A condition is therefore required to ensure that a detailed Landscape and Ecological Management, Maintenance and Monitoring (LEMMMP) is submitted prior to the commencement of the development. This is to ensure that enhancement measures outlined in the PEA are implemented in the final scheme and in compliance with NPF4 Policy 3b and LDP Des 3.

Archaeology

NPF4 policy 7 (o) seeks to protect and preserve non-designated historic environment assets, places, and their setting in situ wherever feasible.

During the Second World War the site formed part of a 'Z' battery, maned by the Home GUARD. It was constructed between 1942 and 1943 to protect the newly built Ferranti electronics factory still in existence across from the site. The site is visible on various RAF photographs comprising rows of small huts with the hutted accommodation camp for the personnel situated to the West, 61 U2P type rocker launcher units and a GL Mk II type radar set. The battery was removed at the end of the war. Prior to this the site appears to have been open farmland and no further archaeological sites are known from the site.

Given the military history, the application site is regarded as being of archaeological and historic interest. While the site has been significantly impacted by the construction of existing offices, the potential of surviving in situ buried remains is very limited. However, the site still has the potential to contain ordnance and other remains from this military period. Therefore, a programme of archaeological monitoring during the development is recommended. This is to fully excavate and record any surviving archaeological remains in accordance with NPF4 policy 7 (o).

Given the site's important historic association with Edinburgh's WWII Home Front defences, it is recommended that this interpreted/commemorated within the public realm for the site. Therefore, as part of the archaeological mitigation, detailed plans shall be submitted for agreement prior to the commencement of the development. This is to accord with NPF4 policy 7 (o).

Waste services.

As requested by Waste services, the Architect is liaising with Waste Services to address the requirements of the proposal. The drawings were amended to show the correct provisions of bin stores and a swept path analysis was provided.

It is intended that waste from the affordable Block (Block F) will be collected within a 10m pull distance. All private waste stores will be situated in the basement. Waste from Blocks A-E is to be privately factored and presented in a waste tendering area to the West of the proposed access road. The tendering area will have dropped kerbs to the pull path for collection.

Contaminated land

The submitted 'Ground Investigation Report' advises that further assessments are required. A condition therefore is required to ensure that a programme of intrusive ground investigation works is carried out and where necessary, a detailed schedule of any required remedial and/or protective measures is submitted to and approved by the Planning Authority. This is to ensure that the land is made safe for the proposed end uses and to address LDP policy Env 22.

Community wealth building

NPF4 policy 25 provides support for development proposals that contribute to local or regional community wealth building strategies and are consistent with local economic priorities.

The proposed development is designed for local living, concentrating activity in the local Crewe Toll area, providing important footfall and helping to sustain existing business as well as encouraging new enterprise. In addition, the proposals will help to bring the site back into productive use, reducing blight and encouraging investment in communities.

Compliance with NPF 4 policy 25 is met.

Developer contributions

Education

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.

The assessment of the requirement for developer contributions to support education infrastructure is based on 199 flats within the development (57 one bed / studio flats have been excluded). As the site is a windfall brownfield site the impact of the proposed development on the learning estate has not been previously assessed.

Education have provided a consultation response on the proposals which advances an argument that additional capacity is required for primary school provision at Flora Stevensons. This requirement is based on a cumulative requirement when considering the sites identified within City Plan 2030. The LDP Action Programme Update 2023 did not identify a requirement for an annexe at Flora Stevenson because the housing output assumptions from City Plan sites H31 Royal Victoria Hospital and H32 Crewe Road South were excluded from its assessment. The requirements for delivery of school infrastructure within this area are an unresolved representation to City Plan.

Education have advised that when considering the windfall sites and those allocated within City Plan 2030 there would be a requirement for an annexe to Flora Stevensons that would provide seven classes (six classrooms and one general purpose room) and necessary ancillary support and core accommodation. The annexe will also be required to provide additional Early Learning and Childcare (ELC) places.

Education state that the Council is not currently able to secure the delivery of the proposed annexe because the principle of an annexe is an unresolved representation at examination and the site is not owned by the Council. An application for planning permission for the development of H32 Crewe Road South has not been submitted. In addition, contributions for the delivery of the annexe have not been secured and it does not form part of the Council's Capital Budget Programme. At this time, the Council has no control over the delivery of an annexe.

A catchment change with a neighbouring primary school could reduce the overall size of an annexe, would make the best use of the existing learning estate and may increase the diversity of the receiving catchment area in line with one of the recommendations from the Poverty Commission report (September 2020).

A new stage of education (an annexe) and a catchment change both require a statutory consultation under a separate process from determining a planning application. Education have advised that the proposed development is required to make a contribution towards the delivery of an annexe to ensure that a decision on a housing development does not prejudice the outcome of a future statutory consultation.

Education is therefore seeking that the development should contribute to Primary School Infrastructure to support additional Primary School Capacity at a rate of £10,054 per flat. This would result in a total Primary Infrastructure Contribution based on 199 flats of £2,000,746. It should be noted that a new site for an annexe has not been identified and therefore the land value cannot be assessed at this time and contributions towards land value cannot be sought.

In assessing the requirements to provide additional primary school capacity it is not considered appropriate to base this on the potential housing outputs of City Plan. Limited weight can be attributed to these numbers and the sites remain as unresolved objections to City Plan 2030. On the basis of the existing school roll there is currently spare capacity at Flora Stevenson Primary School to accommodate the estimated number of pupils that would be expected to be generated from the development proposed at Ferry Road. Whilst it is accepted that the delivery of education infrastructure should consider the cumulative impact of proposals this case is a unique example as the contribution requirements are reliant on the adoption of specific sites within City plan 2030.

The applicant has stated that the circumstances where a Council can reasonably seek contributions is set out in Planning Obligations and Good Neighbour Agreements Circular 3/2012 and also Policy 18 of NPF4. Paragraph 21 of the Circular states that "Planning obligations should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development." The applicant states that the development does not give rise to an exceedance of capacity at Flora Stevenson Primary School. This is accepted.

While the preferences and requirements of the Council, as education authority, are relevant factors, such considerations are by no means decisive and it is ultimately within the ambit of the Council, as planning authority, to determine infrastructure requirements including any need for financial contributions taking cognisance of advice in the aforementioned circular.

In order to ensure that any further education pressures are limited following the adoption of City Plan 2030 it is recommended that a condition limiting the commencement of works to one year rather than the normal three is attached to the permission. This would enable any further or amended proposals on the site to be considered in the context of City Plan 2030. It is therefore considered that a contribution to the delivery of primary school infrastructure is not required to make this development acceptable.

Notwithstanding, there are capacity issues with the existing high school at present, and this is likely to continue in the future. Contributions are therefore sought for secondary school infrastructure at a rate of £4,914 per flat based on 199 units. This provides a total contribution of £977,886 for secondary school infrastructure.

A legal agreement will be required to secure these provisions towards secondary education infrastructure.

Affordable housing

NPF4 policy 16 (e) states that proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes.

A statement of community benefit was provided alongside affordable housing statement.

The applicant has engaged with C-urb Property Development (part of LINK Group) and is committed to providing 65 affordable homes on site within Block F. This exceeds the 25% requirement by one unit.

The RSL have further advised that they are happy with the proposed mix of homes being offered as this will assist in making the delivery of the affordable units more financially viable.

The applicant is proposing to deliver 45 (70%) of the homes for social rent and the remaining 20 (30%) of homes as mid-market rent which is welcomed and supported.

The affordable homes will be tenure blind and will enjoy the same amenities and facilities as the balance of the development in equal ways.

A legal agreement will be required to secure provisions towards affordable housing. This is to address compliance with NPF 4 policy 16 (e) and LDP policy Hou 6.

Healthcare

The site does not lie within a healthcare contribution zone. A contribution towards healthcare therefore is not required.

Transport

Transport Planning have requested the provision of two club car vehicles. Given that the proposed car parking levels do not exceed the maximum standards contained in the EDG, the requested provision of two car club vehicles in the area is reasonable. A contribution of £12,500 (£1,500 per order plus £5,500 per car) would be required. A legal agreement would be required to secure this sum.

Subject to a legal agreement, compliance with NPF 4 policy 18 and LDP policy Del 1 is addressed.

Climate Mitigation and Adaption

NPF4 policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions.

NPF4 policy 2 seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

The proposal is to reuse a brownfield site to achieve a new community in line with local living and 20-minute neighbourhood. It is for a high density of development in an urban area, minimising the need for green belt land.

The proposal meets the essential criteria of the council's S1 sustainability form. The Energy Strategy sets out how the proposed development has been developed to prioritise passive measures to reduce energy use such as arranging the proposed residential blocks to enhance passive solar gains while also limiting summertime overheating and providing shelter from prevailing winds by reviewing the layout and using the surrounding landscaping. Energy demand will be met through low energy LED lighting, thermostatic heating controls, low water consuming fittings and energy metering and display monitors. Heating to dwellings will be provided by electric MEV heat pumps that recover the heat from the extract air to heat the building and provide hot water, making them an energy efficient low carbon technology.

Compared to existing situation, sustainable travel measures will be achieved with the reduction of car parking spaces with the use of electrical vehicles with EV chargers promoted. In addition, the applicant has indicated commitment to contribute to invest in two club car vehicles which will help to discourage car ownership and alleviate parking pressures. The range of secure cycle parking will encourage residents to travel more sustainably from the development. A site-specific green travel plan was provided.

In terms of flood impacts, the proposal confirms that 1:30-year+CC event remains in drainage features and that 1:200-year+CC surface water can be attenuated safely within the site. The proposal includes SUDs features and sedum roofs which will help to slow the rate of surface run offs.

In terms of addressing nature crisis, the site will be extensively landscaped throughout, and this will introduce extensive biodiversity gains compared to existing situation.

Overall, impact on global climate and nature crisis is demonstrated. The proposal meets NPF 4 interlinking spatial priorities of 'Just Transition', 'Conserving and recycling assets', 'Local living' and 'Compact urban growth'. Overall, compliance with NPF 4 policies 1 and 2 is met.

Conclusion in relation to the Development Plan

The proposal complies with NPF policies and LDP policies. The proposal is for a sustainable redevelopment of a brownfield site that will contribute to local living and 20-minutes neighbourhood. The proposal is for a high-quality development design and will not have an adverse impact on its townscape surroundings. Neighbouring amenity will not be adversely affected, and future occupiers will have reasonable levels of living amenity within the development. Car parking levels will be below the maximum standard permitted and cycle parking provision and type is met.

Trees identified and selected for their removal are acceptable and their replacement will be achieved through a high quality and biodiverse landscaping design. Conditions are required to address further matters in more detail and to ensure that a high-quality development is delivered. A legal agreement is required to secure provisions towards education infrastructure, provision of two club cars and 25% affordable housing provision.

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:

material considerations

- Demolition - Addressed in Section B.
- Development height, seven storeys too high - Addressed in Section B.
- No visual representations of the impact of the tree removal from Kimmerghame side - Addressed in Section B.
- Loss of neighbouring amenity (privacy, overlooking, daylight, noise) - Addressed in Section B.
- Impact of future link to Kimmerghame estate - Addressed in Section B.
- Car parking provision and parking overspill - Addressed in Section B.
- Traffic impact from 256 new homes - Addressed in Section B.
- Access and road safety - Addressed in Section B.
- Impact and removal of trees (noise/wind barrier, privacy, supports wildlife/scarce greenery, environmental benefits (carbon soak/air quality/health benefits), water management/prevents soil erosion, cooling in the summer months) - Addressed in Section B.
- Swift nest bricks should be incorporated - Addressed in Section B.
- Flat roof will attract seagulls and pigeons nesting which is an issue within Kimmerghame estate - Addressed in Section B.

- Impact on infrastructure (transport, education and healthcare) - Addressed in Section B.
- Affordable housing is needed - Addressed in Section B.
- *non-material considerations*
- Object to the bus stop being removed completely or moved to a different location - Not within the scope of the application to address.
- Loss/impact on existing views - While unfortunate, there is no right to a particular view.
- Security risk in allowing proposed future path link - This is an indicative element of the proposal and does not preclude assessment of the proposal.
- Construction disruptions - Does not preclude assessment of the proposal.
- Mobile signal issues ongoing - Not a planning matter.
- Will impact on capacity of local buses - The responsibility lies with bus providers to address operational requirements (supply and demand).
- Ownership of the land the trees proposed for removal - Details of landownership are a civil matter not resolved through planning. Landownership Certificate A was submitted with this application, indicating that the trees are within the control of the applicant.
- Developer/corporate greed - Not relevant to the assessment.
- Properties without car parking provision will be more attractive for short stay let uses (STL) - Speculative and not within the assessment of the application.

Conclusion in relation to identified material considerations.

The material considerations have been identified and addressed. There are no outstanding material issues to resolve.

Overall conclusion

The proposal complies with NPF policies and LDP policies. The proposal is for a sustainable redevelopment of a brownfield site that will contribute to local living and 20-minutes neighbourhood. The proposal is for a high-quality development design and will not have an adverse impact on its townscape surroundings. Neighbouring amenity will not be adversely affected, and future occupiers will have reasonable levels of living amenity within the development. Car parking levels will be below the maximum standard permitted and cycle parking provision and type is met. Trees identified and selected for their removal are acceptable and their replacement will be achieved through a high quality and biodiverse landscaping design. Conditions are required to address further matters in more detail and to ensure that a high-quality development is delivered. A legal agreement is required to secure provisions towards education infrastructure, provision of two club cars and 25% affordable housing provision.

The City of Edinburgh Council as Planning Authority direct that under section 58 1(b) of the Town and Country Planning (Scotland) Act 1997 in respect of planning application 23/03649/FUL the substitution for the period of 3 years with the period of 1 year to commence development. This requirement will be covered by condition and the applicant will have opportunity to appeal this to Scottish Ministers.

There are no material considerations that outweigh this recommendation. It is recommended that this application be approved.

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 one year, 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. Notwithstanding the approved drawings, the four commercial units on the ground floor within Block E as shown on Drawing 10 and 13A shall be restricted to a Class 1a (Shops, and financial, professional and other services), Class 3 (Food and drink-restricted) and Class 4 (Business) as defined by The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) only.
3. Cooking, heating and reheating operations within the four commercial units on the ground floor within Block E as shown on Drawing 10 and 13A shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Planning Authority.
4. Notwithstanding the approved drawings, 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 will be required.
5. Notwithstanding the approved drawings, 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. The amended landscaping plans shall include the details of the link to the south of the site connecting with Kimmerghame.

The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

6. 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.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
8. Notwithstanding the approved drawings, prior to commencement of the development, detailed plans to interpret/commemorate the site's important historic association with Edinburgh's WWII Home Front defences within the public realm for the site shall be submitted to and approved in writing by the Planning Authority. The approved plan shall be implemented before the first residential unit is occupied.
9. Notwithstanding the approved drawings, prior to commencement of the development, a detailed Landscape and Ecological Management, Maintenance and Monitoring (LEMMMP) shall be submitted to and approved in writing by the Planning Authority. The approved LEMMMP shall be implemented before the first residential unit is occupied.
10. No tree work to be carried out unless in accordance with the approved Arboricultural Method Statement (BLEBO TREE Surgery - BS 5837 Arboricultural Method Statement Tree Survey Report dated 27/07/2023) or with separate consent from the planning authority
11. Prior to the commencement of development, the name of the nominated person responsible for the Arboricultural supervision on site, along with the programme of supervision and reporting must be submitted to and agreed with the planning authority.
12. Prior to the commencement of development all tree protection measures proposed in the approved Arboricultural Method Statement (BLEBO TREE Surgery -BS 5837 Arboricultural Method Statement Tree Survey Report, dated 27/07/2023) must be implemented in full. These measures must not be removed or altered in any way unless with the consent of the planning authority.
13. Notwithstanding the approved drawings, the design and installation of any plant, machinery or equipment for the four commercial units on the ground floor within Block E shall be such that any associated noise complies with NR25 when measured within the nearest living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997 and to ensure an appropriate amount of time in which the development can be commenced having regard to the provisions of the development plan and to any other material considerations.
2. To make it clear what consent is being granted for the four commercial units within Block E.
3. To safeguard residential amenity in terms of odour.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site and to ensure that the approved landscaping works are properly established on site.
6. In order to ensure that the site is suitable for redevelopment.
7. In order to safeguard the interests of archaeological heritage.
8. In order to safeguard the interests of archaeological heritage.
9. To ensure that biodiversity enhancement measures as detailed in the Preliminary Ecological Appraisal (PEA) is implemented in the final scheme and to accord with NPF4 Policy 3b and LDP Des 3.
10. In order to safeguard trees.
11. In order to safeguard trees.
12. In order to safeguard trees.
13. To safeguard residential amenity in terms of noise.

Informatives

It should be noted that:

1. It should be noted that:

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.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6-month period, a report will be put to committee with a likely recommendation that the application be refused.

This matter relates to:

Education -

Primary School Infrastructure rate of £10,054 per flat. This would result in a total Primary Infrastructure Contribution based on 199 flats of £2,000,746.

Secondary School Infrastructure - rate of £4,914 per flat based on 199 units total contribution £977,886.

Two club car - £12,500 (£1,500 per order plus £5,500 per car)

Affordable housing - 25% (65 affordable homes)

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 site access 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 are able to service the site.
5. Existing pedestrian refuge island crossing on Ferry Road fronting the proposed development is required to be upgraded to toucan crossing to satisfaction and at no cost to the Council. It is expected that the toucan crossing is linked to both existing traffic signal to the west and east for uninterrupted traffic flow. It is understood that the applicant proposes to move this crossing slightly to the west.
6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
7. 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.

8. 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 proposed development lies on or adjacent to a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/2>.
10. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 11 August 2023

Drawing Numbers/Scheme

01-11, 12A, 13A, 14-43, 44A, 45-57.

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail: laura.marshall@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Children and Families

COMMENT: No objection, subject to contributions towards education infrastructure.

DATE: 13 September 2023

NAME: Environmental Protection.

COMMENT: Objection raised.

DATE: 14 December 2023

NAME: Transport Planning

COMMENT: No objections. Conditions/informatives required.

DATE: 14 December 2023

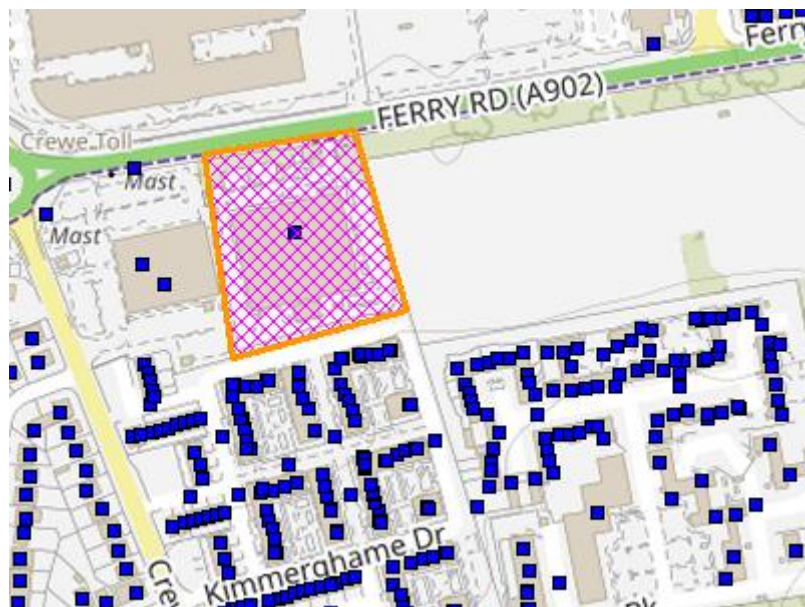
NAME: Flood Planning

COMMENT: The applicant addressed our queries, and we have no further comments regarding flooding and drainage, therefore this application can proceed to determination.

DATE: 22 December 2023

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

Location Plan



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