

Development Management Sub Committee

Wednesday 20 November 2019

**Application for Planning Permission 19/02370/FUL
At 24 - 26 Calton Road, Edinburgh, EH8 8DP
Demolition of existing non-listed buildings and erection of
new residential building to form 22 flats and 1 commercial
office space at ground floor and associated landscaping
works. (Resubmission within a year).**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of adjacent listed buildings and does not have an adverse impact on the setting of the conservation area.

The proposals comply with the adopted Local Development Plan and non-statutory guidelines and have no adverse effect on the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant archaeological remains, residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LDEL02, LEN03, LEN05, LEN06, LEN01, LDES01, LDES03, LDES04, LDES05, LDES06, LEN09, LEN12, LTRA02, LTRA03, LTRA04, LDEL01, NSG, NSLBCA, NSGD02, CRPOLD,

Report

Application for Planning Permission 19/02370/FUL At 24 - 26 Calton Road, Edinburgh, EH8 8DP. Demolition of existing non-listed buildings and erection of new residential building to form 22 flats and 1 commercial office space at ground floor and associated landscaping works. (Resubmission within a year).

Recommendations

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

Background

2.1 Site description

The application relates to a site on the north side of Calton Road, measuring approximately 735 square metres. The site contains a two-storey sandstone building fronting onto Calton Road, dating from the Victorian industrial era. The rear of this building comprises the two-storey remains of the original factory building. The building was most recently in nightclub use and it was previously in use as a studio.

The site is bounded by offices and residences to the west, student accommodation to the east and Dunbar's Close Gardens and the category A listed Canongate Kirk to the south (listing reference: LB26823, listed on date 14 December 1970). Two category A listed buildings are within prominent views from just outwith the site: the former Royal High School on the north side of Regent Road and the Burns Monument on the north side of Regent Road (listing references: LB26823 and LB27987, listed on 19 April 1966).

The site is within the Edinburgh World Heritage Site.

This application site is located within the Old Town Conservation Area.

2.2 Site History

5 September 2019 - appeal against refusal of planning permission dismissed (appeal reference PPA-230-2273, application reference 17/04578/FUL). Dismissal was on the specific basis that proposed five-storey rear element would harm the character of the conservation area by visually intruding in views out of the Canongate Kirkyard, which would also harm the setting of the listed building.

5 September 2019 - appeal against refusal of conservation area consent dismissed (appeal reference CAC-230-2003, application reference 17/04579/CON). Dismissal was on the specific basis that the appeal had been dismissed against the refusal of the associated application for planning permission and were the proposed demolition to proceed without the imminent erection of a replacement structure, this would leave a gap in the street frontage which would be harmful to the character and appearance of the conservation area.

24 March 2019 - planning permission refused to demolish existing non-listed buildings and erect new residential building to form 24 flats, 1 commercial office space at ground floor level and associated landscaping works (application reference 17/04578/FUL).

24 March 2019 - conservation area consent refused to demolition existing nightclub premises (application reference 17/04579/CON).

12 July 2001 - planning permission granted for change of use and demolition of garage/nightclub to form offices/residential at 24-32 Calton Road (application reference 00/02774/FUL); not implemented; consent lapsed.

27 July 2001 - conservation area consent granted for demolition of garage/nightclub at 24-32 Calton Road (application reference 00/02774/CON); not implemented; consent lapsed.

Main report

3.1 Description of the Proposal

The application is to erect 22 residential flats: 2 studio, 12 one-bedroom, 5 two-bedroom and 3 three-bedroom, with a commercial office space at ground floor level and associated landscaping works. No on-site affordable housing will be provided. The proposed building is a contemporary style, flat-roofed structure, comprising five storeys to the front, with a three-storey middle section rising to four storeys at the rear. The proposed external finish is a mixture of sandstone, buff brick and dark-grey zinc cladding, with dark-grey aluminium-framed windows and frameless curtain glazing for the office unit.

A soft and hard landscaped communal garden will be located on the roof of the central section and another area of green common space will be formed in the open courtyard. Private terraces will be formed for five flats.

An array of solar panels will be fixed to the roof of the four storey section.

An internal cycle store will be located at ground floor level with 40 spaces in a multi-tier stacking system. No car parking spaces are provided.

This application was submitted following refusal of a similar application in March 2019 (application reference 17/04578/FUL). The main changes in the current application are as follows:

- 22, rather than 24, flats;
- an added set-back fifth storey on the front section facing Calton Road;
- the reduction of the central section from four to three storeys; and
- the lowering of the rear section Dunbar's Close Garden from five to four storeys.

An appeal against the previous refusal of planning permission was dismissed in September 2019 on the specific grounds that the proposed five-storey rear element would harm the character of the conservation area the setting of Canongate Kirkyard.

Supporting Documents

The following information was submitted in support of the application:

- Planning Statement;
- Design Statement;
- Condition Survey;
- Tree Report; and
- Daylight, Sunlight and Privacy Statement.

These documents are available to view on the Planning and Building Standards Online Services.

An associated application for conservation area consent has been submitted for the demolition of the former nightclub building on the site (application reference 19/02371/CON).

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of development is acceptable;
- b) the proposals preserve the setting of the listed buildings;
- c) the proposals preserve or enhance the character or appearance of the conservation area;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the proposed scale, form, design and materials are acceptable;
- f) the proposals have an adverse impact on significant archaeological remains
- g) the proposals are detrimental to residential amenity, road safety or infrastructure;
- h) the proposals have an adverse impact on trees;
- i) any impacts on equalities or human rights are acceptable and
- j) public comments have been addressed.

a) Principle

The site is identified as an Urban Area in the Local Development Plan (LDP) where housing development in principle is acceptable. Housing is supported within the Urban Area by LDP Policy Hou 1, where it is compatible with other local plan policies.

The proposed commercial unit is located within the ground floor of the new block. Policy LDP Policy Emp 1 supports office development in this location.

The development is therefore acceptable in principle.

b) Setting of Listed Buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states;

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected;
- Define the setting of each historic asset; and
- Assess the impact of any new development on this.

HEPS Policy HEP4 ensures that any changes to specific assets protects the historic environment and should be enhanced where possible.

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

In the recent appeal decision, the Reporter concludes that, whilst the five-storey rear section of the previously proposed development would not be prominent in views from Calton Road, it would be highly visible in views from the south and southwest, especially from the open areas of Dunbar's Close Garden and Canongate Kirkyard. This part of the development would be an incongruous and relatively tall intrusion into views out from the Kirkyard towards the Burns Monument and the former Royal High School on the rising backdrop of Calton Hill to the north. As the Kirkyard is an essential part of the category A listed Canongate Kirk's setting, the development as previously proposed would cause harm to the setting of this listed building. However, the Reporter also concludes that the proposed five-storey element would only obstruct views of the listed buildings of the former Royal High School and Burns Monument, occupying elevated positions, from only limited specific locations within the Kirkyard and Dunbar's Close Garden, so the settings of these listed building would be preserved.

The current scheme proposes a four-storey rather than five-storey section at the rear of the proposed building. This reduction in height, along with the substantial level difference between the rear of the site and Dunbar's Close Garden, means that less than two storeys of the rear section will be visible from within the garden. Also, the tree belt at the rear of the garden will soften these views. This reduction in height addresses the negative impacts of the previous scheme on the setting of the Canongate Kirk to an extent that will ensure that the development has no adverse effect on the setting of this category A listed building.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess. As the Reporter considers the previous scheme will preserve the settings of the former Royal High School and Burns Monument, the current scheme is therefore acceptable and in compliance with LDP Policy Env 3.

c) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Old Town Conservation Area Character Appraisal states that the conservation area includes numerous buildings of outstanding architectural and historic importance, and international significance. The appraisal reinforces that there is a considerable wealth of important land marks, reflecting its long role as the location for the complete range of Edinburgh's institutions. These buildings from different eras set against a backdrop of tenements contribute to an appearance of density, a close knit character and cohesive groupings associated with a medieval town.

LDP Policy Env 5 only supports the demolition of unlisted buildings in conservation areas which are considered to make a positive contribution to the character of the area in exceptional circumstances. If the building does not make a positive contribution, its removal is considered acceptable in principle so long as the replacement building enhances or preserves the character of the conservation area.

The existing buildings on the site, with the exception of the frontage building to Calton Road, comprise the utilitarian remnants of a former factory which are in poor condition with an unattractive, mainly flat roofscape.

The appeal against refusal of conservation area consent for demolition of the buildings on the site in the previous scheme was dismissed. However, this was solely on the basis that, if the demolition went ahead without an approved development for the site, then this would result in a gap being left in the Calton Road frontage for an indeterminate period, which would have a detrimental impact on the character and appearance of the conservation area. However, in the appeal decision, the Reporter notes that the frontage building has been much altered over its life and is in a poor state of repair and the renovation of the external stonework, including the removal of the applied paintwork, although probably achievable, would not be appropriate. The Reporter further states that seeking to retain this part of the building in a new development would likely result in a reduced contribution that development of the site could make in terms of much needed new residential accommodation in the city centre. The preservation of the character or appearance of the conservation area could be achieved by the erection of a four-storey façade to the Calton Road frontage in place of the existing building.

In addition, the Condition Survey states that the painted stonework on the front and east elevations has become friable, meaning that the structure of the sandstone is brittle and unstable. This is due to water being trapped behind the paintwork, breaking down the composition of the stone over time. For safety reasons, replacement of the whole front elevation is necessary. In terms of good architectural conservation practice, this extent of rebuilding of a historic structure should only be countenanced where a building is highly significant in townscape terms, for example, part of a terrace which is architecturally important as a whole or one of a pair of matching "bookends" in a formal architectural composition. The building fronting onto Calton Road, whilst being one of the last few remaining markers of the industrial past of the area, does not fall into the category of being a vital part of the Old Town townscape or formal architectural composition that would make its reconstruction desirable. The significance of this building lies in its historic fabric and rebuilding the structure with new material, even if a perfect replica, would result in falsifying the historic evidence.

The Reporter therefore supports the principle of development on this site involving the demolition of the existing buildings but rejects the previous scheme due to the five-storey rear element only.

LDP Policy Env 6 states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The proposed mixed residential and office use is compatible with the mixed-use character of the Old Town Conservation Area.

The recent appeal against the refusal of planning permission for the previous scheme was on the basis that the five-storey rear part of the proposed development would fail to preserve the character or appearance of the conservation area and setting of the category A listed Canongate Kirk. The Reporter concludes that this part of the development would be highly visible in views from the south and southwest, especially from within Dunbar's Close Garden and Canongate Kirkyard.

The reduction in height of the rear section of the development in the current scheme from five to four storeys addresses the visual intrusion of the structure on important views to a satisfactory extent. As stated above, the substantial difference in level between the rear of the site and Dunbar's Close Garden, means that less than two storeys of the rear section will be visible from within the garden and the development will not dominate the other key views from Canongate Kirkyard towards Calton Hill. The additional storey on the section to Calton Road is set back and will not intrude on these views due to the upwards gradient of the site.

The design of the proposed replacement building draws on the four and five storey buildings on Calton Road constructed within recent years, in terms of contemporary form and mixed traditional/modern materials. The changing levels and central courtyard will break up the massing and provide a pocket of green amenity within this dense urban context.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. There are no adverse impacts on the setting of the conservation area. The proposals will therefore preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

d) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

In the recent appeal decision, the Reporter concludes that the proposed development would not have an adverse effect on the World Heritage Site as the identified effects of the five-storey section in terms of impact on views would be localised and would not impinge on the attributes listed in the inscription detailing the outstanding universal value of the World Heritage Site.

The revised scheme with a reduced-height rear section will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of World Heritage Site, in compliance with Edinburgh Local Development Plan Policy Env 1.

e) Scale, Form, Design and Materials

LDP Policy Des 1 states that permission will be granted for development that contributes toward a sense of place and draws from the positive characteristics of the surrounding area. The existing building which cannot be saved for practical reasons, has a dead frontage at present and this site presents an opportunity for beneficial re-development. The proposed mixed-use development will provide an active street frontage with residential use above. This will contribute positively to the residential character of the Old Town and is in keeping with the established scale, massing and contemporary/traditional built forms in the immediate vicinity.

Policy Des 3 requires that characteristics and features worthy of retention in the surrounding area be identified, incorporated and enhanced through the design of the proposed development. Whilst the historic structure on site cannot be included in the new build, the proposed development includes brick elevations in an architectural nod to the area's industrial past. Brick was the construction material for some of the adjacent former gasworks buildings, only remnants of which now remain.

LDP Policy Des 4 states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions, including the spaces between buildings, positioning of the buildings on site and materials and detailing.

The height of the proposed building on Calton Road is consistent with recently built structures on nearby sites which range between four and six storeys to Calton Road. The fifth storey is set back to lessen its impact on Calton Road and articulate the roofscape. The change in height between the front and rear sections of the building will further delineate a varied roofscape. Due to the rising topography, the frontage to Dunbar's Close Gardens rises barely two storeys above the ground level of the gardens, so its visual impact from the gardens will be acceptable.

The scale, massing and form is in keeping with recent developments in this section of Calton Road and the current scheme includes an open landscaped courtyard between the front and rear blocks and community garden on the roof of the central section.

A consideration of the original 'Burgess' plot widths is seen in the division of the Calton Road frontage into two sections: one a tall sandstone structure that signals the entrance into Panmure Close and the second, a brick element visually separated from the former by a glazed slot that contains the entrance into the residential flats.

The proposed material palette of sandstone, buff brick and dark grey cladding is in appropriate in the surrounding context. These high quality materials reflect the historic context and will achieving a simple, crisp, modern aesthetic.

The development is therefore acceptable in terms of scale, form, design and materials, in compliance with LDP Policies Des 1, Des 3, Des 4 and the Edinburgh Design Guidance.

f) Archaeological Remains

The site lies within an area of archaeological significance, occupying the northern part of a medieval burgess plot stretching from the Royal Mile to Calton Road, which formed the northern limits of the medieval burgh of the Canongate.

The proposed development includes the demolition of historic industrial buildings and the associated ground-breaking works could disturb archaeological remains dating back to the origins of the burgh in the 12th century.

A condition has therefore been applied to ensure that an archaeological investigation, including historic building recording, is undertaken prior to works commencing.

g) Residential Amenity, Road Safety and Infrastructure

Amenity of Future Occupiers

Environmental Protection has recommended a site survey to confirm whether the ground is contaminated as a result of the former industrial use of the site. A condition to this effect has been applied.

The internal floor area of each flat complies with the minimum standards as set out in the Edinburgh Design Guidance, measuring 48.5 sqm for the studio flats, 52.5sqm to 63.5sqm for the one-bedroom flats, 78.5sqm to 86smq for the two-bedroom flats and 100sqm for the three-bedroom flats.

All flats meet the minimum Average Daylight Factor of 1% to bedrooms and 1.5% to living rooms as set out in the Edinburgh Design Guidance. The flats will overlook green spaces and have generous glazed openings with Juliet balconies opening into the living spaces. Communal open spaces will be provided on site and five flats will have private terraces. Whilst these spaces are not large, the total area slightly exceeds the minimal 20% requirement of the total site areas as set out in LDP Policy Hou 3. This is a tight urban context where more generous spaces would be difficult to achieve. The site is in a central location within walking distance of Holyrood Park, Calton Hill and Dunbar's Close Gardens, so the proposed level of open space is acceptable on this particular site.

Neighbouring Amenity

A daylight, sunlight and privacy statement has been submitted assessing the impact of the proposal on the residential properties at 22 Calton Road. Eight out of ten windows on the east elevation of 22 Calton Road have been tested. The statement shows that the Vertical Sky Component requirement of 27% will not be met for all but one of the tested windows. The Edinburgh Design Guidance states that if the townscape surrounding a development site would not meet these requirements, the council may require information on the likely amount of daylight in affected rooms in existing buildings. This is assessed using the Average Daylight Factor (ADF) methodology. The minimum ADF for bedrooms is 1%, for living rooms 1.5%, and for kitchens 2%. Of the tested windows, the statement concludes that the minimum ADF is met.

The study on sunlight indicates there will be minimal impact to the parking area and gardens of 22 Calton Road, 32 Calton Road and Lochend Close. In terms of privacy and outlook, one kitchen window is proposed on the boundary to 22 Calton Road which would face directly into the neighbouring properties at a distance of less than 10 metres away. In the recent appeal decision against the refusal of planning permission for the previous scheme which proposed two kitchen windows on this elevation, the Reporter notes that these windows would be set at a high level, although it is not clear whether this would be above eye level so as to prevent direct overlooking. However, the Reporter concludes that, as these would be secondary windows, with the main outlook of these rooms being from windows in the east-facing elevation, it would be possible for the kitchen to be obscure-glazed. The current drawings show louvered screens over the majority of the glazing with only a small clear central section, so any impact on the privacy of neighbouring properties is minimal.

The proposed development will therefore have no adverse impact in terms of the amenity of future occupiers and neighbouring residences, in compliance with LDP Policies Des 5 and Hou 03.

Road Safety

The Council's Parking Standards require no parking provision within the Central Area. The applicant has proposed 40 cycle spaces which falls short of the Council's Parking Standards by seven spaces, including three for the proposed commercial unit. A condition has been applied to ensure that 47 spaces are provided.

The site is within easy walking distance of Waverley Station and major public transport routes and the development provides the opportunity to use the existing stepped access into Dunbar's Close Gardens maximising pedestrian connectivity to the Royal Mile. Given the proximity of these public transport links to the site and lack of space to provide off-street parking, the provision of one motorcycle space, as normally required by the Parking Standards, is not considered necessary.

An informative has been added regarding the development of a Travel Plan to encourage the use of public transport.

Infrastructure

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

As the proposal is for 22 units, there is a requirement for 5.5 affordable units on site. The Council approached Registered Social Landlords (RSL) to take on the affordable units. However, given the high build costs identified by the applicant of £213,000 per unit (which has been assessed by independent consultants appointed by the Council), the offer was not taken up. The average build cost of RSL affordable housing is £130,000 per home. The main reason identified by the developer for these high build costs are due to the difficulty accessing into the site with the neighbouring buildings being so close and also higher cost materials associated with planning requirements of this location.

Also, the design is for 22 flats split over two stairwells and the affordable housing requirement is 5.5 homes, so the proposal would mean an RSL taking minority ownership. Affordable housing providers across the city are looking to acquire and dispose of properties where they are in minority ownership within a block, so they do not want to enter into new scenarios where this will arise.

For a property to be considered as viable for Golden Share, it cannot exceed a Market Value of £268,000 to achieve the £214,000 maximum purchase price for Golden Share housing. Golden Share properties have their sales value restricted to 80% of market value in perpetuity. Given the anticipated sales prices of £285,000 for the smallest property there are no units close to this price range, so a recommendation cannot be made for Golden Share Housing.

In this case, the applicant has clearly demonstrated that the development would not be viable for onsite affordable housing delivery, so a commuted sum payment is considered acceptable. This sum will be provided through a Section 75 agreement and is based upon the affordable housing land value likely to be in excess of £55,000 per unit. The District Valuer has been instructed to provide a land value for the site and the applicant has agreed to abide by this valuation.

In terms of any financial contributions towards education infrastructure, 14 of the 22 proposed flats are studios or one-bedroom and, using the pupil generation rates set out in the LDP Supplementary Guidance, the remaining seven flats of two or more bedrooms are not expected to generate at least one additional primary school pupil. A contribution towards education infrastructure is therefore not required.

The collection of waste will be facilitated by the provision of a communal refuse store within the development at ground level with direct access to the street.

The site is not within a flood risk area. The flat roofscape and open courtyard contains green areas which will contribute to sustainable urban drainage.

The development will therefore have no detrimental impact in terms of residential amenity, road safety and infrastructure.

h) Trees

In terms of the impact on trees within Dunbar's Close Garden, a tree survey has been submitted which concludes that the roots of the trees in close proximity to the mutual boundary wall grow into the garden and there are no tree roots within the site. This is due to the marked difference in levels and existing retaining wall which have acted as a barrier to root growth.

Certain branches overhanging into the site could be pruned back to the garden boundary without unduly imbalancing the trees nor impacting on their health and amenity value. One of the trees is lop-sided and careful pruning will restore its balance. If overhanging into the amenity space is addressed, the trees should not be vulnerable to excessive pruning resulting from issues of shade.

i) Impact on Equalities and Human Rights

The application has been assessed and has no apparent impact in terms of equalities or human rights.

j) Public Comments

Old Town Community Council

- the proposed building is unsympathetic in architectural style and the design does nothing to conserve or enhance the character of the conservation area - this has been addressed in section 3.3b).
- the building to be demolished should, instead, be cleaned and restored and incorporated into any development on the site - this has been addressed in section 3.3b);

Other Material Objections

Material Objections

- the demolition of an import piece of industrial archaeology - this has been addressed in sections 3.3 c) and f);
- the proposed buildings will not preserve or enhance the character of appearance of the conservation area and adversely affect the setting of the former Royal High School and Canongate Kirk - this has been addressed in sections 3.3 b) and c);
- loss of daylighting, sunlight and privacy for neighbouring residence - this has been addressed in section 3.3 g);
- adverse impact on trees in Dunbar's Close Garden and habitat of endangered Sparrow hawks, this has been addressed in section 3.3 c);

Support Comments

- the development will address the current housing shortage and reduce the need for greenfield housing;
- the existing buildings are derelict, in a poor state of repair and not in keeping with the current streetscape;
- the proposed housing is good quality and will create a high quality environment for residents;
- the development will make a positive contribution to the townscape in terms of siting, scale and design;
- there will be no detrimental impact on neighbouring residential amenity.

Conclusion

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of adjacent listed buildings and does not have an adverse impact on the setting of the conservation area.

The proposals comply with the adopted Local Development Plan and non-statutory guidelines and have no adverse effect on the setting of the listed buildings, character or appearance of the conservation area or the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant archaeological remains, residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, protection, analysis, reporting and publication and public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

- b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
 4. 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.
 5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
 6. Notwithstanding the level of cycle parking shown on drawing number L(PL)551 - Ground Floor Plan as Proposed, the applicant shall provide a total of 47 cycle parking spaces, including three for the commercial unit. Details of these spaces shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons: -

1. In order to safeguard the interests of archaeological heritage.
2. In order to protect the amenity of the occupiers of the development.
3. In order to enable the planning authority to consider this/these matter/s in detail.
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.
6. In order to ensure that the level of off-street parking is adequate.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement requiring a financial contribution (likely to be in excess of £55,000 per unit), payable to the City of Edinburgh Council, has been concluded to ensure that affordable housing is provided in accordance with Council policy.

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.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. In order for The City of Edinburgh Council to provide a recycling and waste collection service to new developments or converted properties (e.g. a conversion of a house into flats), the information outlined in The City of Edinburgh Council's document, "New and Revised Domestic Property Developments Waste and Recycling: Instructions for Architects and Developers, May 2019" must be fully considered before submitting plans to the Waste and Cleansing Service in order to obtain the required agreement for the proposed waste management strategy.

The detailed specification would be finalised at a meeting between the developer/architect and the Council's Waste and Cleansing Service which must be contacted at the earliest possible stage, initially using the email address: wasteplanning@edinburgh.gov.uk.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

5. - In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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;

- Continues footway will be required on the dropped areas of the existing footway to provide pedestrian priority.
- as the development is located in Zones 1 to 8, the applicant will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build);
- Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point.

6. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 21 June 2019. A total of 22 representations were received, three objecting to the proposals, including one from the AHSS, and 22 in support of the application.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is within the City Centre, Edinburgh World Heritage Site and Old Town Conservation Area as defined by the Edinburgh Local Development Plan.

Date registered

17 May 2019

Drawing numbers/Scheme

01 - 19,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail: clare.macdonald@edinburgh.gov.uk Tel: 0131 529 6121

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community

Appendix 1

Application for Planning Permission 19/02370/FUL At 24 - 26 Calton Road, Edinburgh, EH8 8DP Demolition of existing non-listed buildings and erection of new residential building to form 22 flats and 1 commercial office space at ground floor and associated landscaping works. (Resubmission within a year).

Consultations

Historic Environment Scotland

This is for the demolition of the existing unlisted buildings in the Old Town Conservation Area and the erection of new buildings. Your Council have asked for our views on the potential effect of development on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. After clarification with your Council, you have confirmed that the setting of nearby A listed buildings should also be assessed.

Setting aside the demolition of the unlisted buildings, in our view, the proposed new residential buildings fail to fully respect the character and appearance of the Old Town Conservation Area and World Heritage Site. The Old Town is characterised by a traditional roofscape and buildings that are intricate and varied in character with building lines that respond to natural features and contours in the topography. The massing and proportions of the new building proposed, in particular its flat roofs, are at odds with the variety and established character that makes this area special. We would suggest that the design of the proposed new buildings could be rethought to be more sympathetic to the special characteristics of the Old Town, rather than taking reference from more recent adjacent buildings.

We consider that the proposed development has the potential to impact on the setting of two Category A listed buildings in the vicinity.

It is clear that there was a significantly scaled building at the rear of this site, until it was truncated in the 1960s. The rear of the development site is to the north-west of the Category A listed Canongate Kirk and Kirkyard, backing on to Dunbar's Close Garden. Although the development is considerable against this boundary there is an intervening building (No.22) between the site and the Kirkyard.

The site is also within the setting of the Category A listed former Royal High School, visible at the western part of the viewpoint of this building from Canongate Kirkyard. In the view shown (p.22 of planning statement) the proposed development appears underneath the Burns Monument. The key view of the former school, which allows the near entirety of the front façade to be visible, is the one from the rear of the Kirk, chosen by Thomas Shepherd for his well-known etching. We note the view on page 3 of the design statement shows the proposed development visible in the foreground.

We consider there will be some impact on the setting of both these Category A listed buildings, on views from the Kirkyard and to the Royal High School, but on balance, and taking into account the recent consent at No.63 Calton Road, we do not consider the additional impacts would be significant.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Edinburgh World Heritage Trust

In general, the Edinburgh World Heritage Trust supports the principle of reintroducing housing units to support the permanent residential population of the Old Town, although we note that the majority proposed in this development are one-bed flats.

The key elements of the Outstanding Universal Value of the World Heritage Trust that are relevant to the development site are the historic pattern of building in the Old Town, topography and the city centre graveyards. The area is one of relatively intense change since the inscription in 1995. The proposals largely work with the pattern of building in the Old Town, respecting toft widths and historic routes. However, views from the graveyard would benefit from greater articulation at roof level, as other recent buildings in the area have done. In terms of height, the proposals are similar to those established by the pre-inscription development at Old Tolbooth Wynd.

Our view is that the proposals would have no significant impact on the Outstanding Universal Value of the World Heritage Site.

Old Town Community Council

The Community Council objects to this proposal.

Although slightly lower and less damaging to the skyline, this re-application does not materially differ enough from the previously rejected application.

We support and reinforce all the planner's comments relating to that rejection, namely that the proposed design does nothing to conserve or enhance the character of the conservation area, that it is unsympathetic in architectural style (actually it is unnecessarily ugly) whereas the building to be demolished, albeit not listed, does indeed fulfil all those things.

It should instead be cleaned and restored and incorporated into any development on that site.

Archaeology

The site is occupied by the former Calton Studios nightclub which occupies a range of 19th century industrial and commercial building. Lying on the eastern side of the 17th century Canongate Kirkyard the site lies at the heart of Edinburgh's UNESCO World Heritage site. The site occupies the northern part of a medieval burgess plot stretching from the Royal Mile to Calton Road, which formed the northern limits of the medieval burgh of the Canongate.

The Canongate was established in David I's 1128 as part of the foundation Charter of Holyrood Abbey and remaining under its control for most of the medieval period. Recent excavations along the northern side of Calton Road (e.g. Gooder, John (2013) 'Excavations in the Canongate Backlands, Edinburgh'. SAIR 56; Engle, Robert et al (2013), Caltongate PA1 (C). AOC Data Structure Report 20236) suggest that this site will contain over 3m of archaeological deposits including potentially waterlogged deposits and the remains associated with the Burgh's early defences.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of archaeological significance. Accordingly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV5, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Building

The proposed scheme proposes the demolition of the existing garage which comprises the remains of a range of 19th century former industrial and commercial buildings latterly used as a nightclub (Calton Studios). These buildings although unlisted in archaeological terms are regarded as having local significance in terms of the Canongate's industrial archaeological past. Demolition of these locally significant buildings will clearly therefore have a significant adverse impact. However, the loss of these buildings, in archaeological terms, is not regarded significant enough to warrant recommending refusal in terms of Policy ENV9.

However, if consent is granted by the Planning Authority, it is essential that a detailed historic building survey (internal and external elevations and plans, photographic and written survey and analysis) of all the surviving buildings is undertaken prior to and during demolition in order to provide a permanent record of these historic buildings.

In addition, demolition shall be limited in the first instance to above ground works only, with no grubbing up of wall foundations nor ground floor surfaces. This is to avoid any impacts upon the site's potentially significant buried archaeological remains until the results of the phase 1 works have been undertaken (see following section Buried Archaeology).

Buried Archaeology

The proposals will require significant ground-breaking works, principally regarding demolition, new construction and new services. Such works have the potential to disturb archaeological remains dating back to the origins of the burgh in the 12th century. Given the potential for over 3m of significant archaeological resources to occur across the proposed area, it is essential that if consent is granted for this scheme that an archaeological mitigation strategy is undertaken both during demolition and prior to construction/development.

This will require the undertaking of phased programme of archaeological investigation to fully record, excavate and analyse any significant remains affected. The first phase of which will be the undertaking of archaeological evaluation (min 10). The results from this initial phase of work will allow for the production and agreement of a more detailed mitigation strategy to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains during each phase of development.

Public Engagement

Given the potential significance of the archaeology it is essential that a programme of public/community engagement should be undertaken. The scope of which (e.g. site open days, viewing points, temporary interpretation boards) will be agreed with CECAS based upon the initial DBA and archaeological evaluation outlined above.

In consented it is essential therefore that a condition be applied to both the CON & FUL to secure this programme of archaeological works, based upon the following CEC condition;

'No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, protection, analysis, reporting and publication & public engagement) 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.

Environmental Protection

The proposed development is on the site of a former engineering factory used most recently as a night-club venue. Environmental Protection has concerns over the historic use of the site, as this may have resulted in ground contamination. A condition is recommended to ensure the site is suitable for the proposed use.

Environmental Protection has no objection to the application, subject to the following condition:

Prior to the commencement of construction works on site:

(a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning. 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 to the satisfaction of the Head of Planning.

Roads Authority

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

1. in accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (including electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

2. continues footway will be required on the dropped areas of the existing footway to provide pedestrian priority;

3. the applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013, see http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build);

4. any works affecting an adopted road must be carried out under permit and in accordance with the specifications, see Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point;

5. a minimum of 44 cycle spaces for the residential development will be required (40 cycle spaces proposed).;

6. a minimum of 3 cycle parking spaces will be required for the 97sqm commercial unit;

7. a minimum of 1 motorcycle spaces will be required for the proposed development.

Note:

The current parking standards could permit a maximum of 22 car parking spaces for the proposed development in Zone 2. Zero car parking provision is considered acceptable due to the site accessibility to public transport.

Active Travel

The Active Travel Team takes no stance either for or against the proposed development, but as a consultee would make the following comments.

1. It is imperative that this new development supports the design principles of the Local Development Plan (LDP), Edinburgh Design Guidance, and the Edinburgh Street Design Guidance (ESDG) detailed design manual and associated factsheets to generate the benefits associated with active travel.

2. Currently the development fails to provide any cycle parking whatsoever. Given the proximity of this development to several notable Active Travel schemes in the city centre, this is a missed opportunity. Appropriate visitor and secure cycle parking on the site will cater for non-standard bikes/trailers/bikes with child seat attachments, including sufficient provision of single-tiered cycle parking and maintenance space. See specifications in (draft) ESDG factsheet C7.

3. External bike parking should be provided for visitors and easily accessible from the road, overlooked, attractive, and located close to building entrances. This too must provide spaces appropriate for cargo bike/non-standard cycle parking to enable alternative forms of delivery to take place to the offices, as well as ensuring visitor accessibility for those with protected characteristics.

Affordable Housing

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

- *The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- *This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh City Local Plan.*

2. Affordable Housing Provision

This application is for a development consisting of 22 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (5.5) homes of approved affordable tenures.

In all instances the Council expects the 25% affordable housing contribution to be delivered on-site, in a manner that is well-integrated. It is only in exceptional circumstances, where the Council is satisfied that the affordable housing could not be viably delivered by a housing association, that we consider alternative proposals.

Both Dunedin Canmore HA and Castle Rock Edinvar looked at this opportunity when it was first submitted for 24 flats in 2018 and do not want to take affordable units on this site for two reasons:

i) High Build Costs

The developer has submitted build costs for this application and to verify the accuracy of the costs, they were assessed by independent consultants appointed by the Council's Estates team. This analysis identified the build cost to be an average of £213,000 per unit. RSL affordable housing typically has a build cost average of £130,000 per home.

The main reason identified by the developer for the high build costs are due to the difficulty accessing into the site with the neighbouring buildings being so close and also higher cost materials associated with planning requirements of this location.

ii) Consolidation of Ownership

RSLs were approached with the proposal once the design was finalised. The properties are of a size which would meet RSL requirements in terms of space standards and without being excessively large for an RSL to afford to purchase. However, the design is for 22 flats split over two stairwells and the affordable housing requirement is six homes. With this design, the proposal would see the RSL taking minority ownership of six flats within a stair shared with private owners. Affordable housing providers across the city, including the Council, are looking to acquire and dispose of properties where they are in minority ownership within a block. Consequently, they do not want to enter into new scenarios where this will arise.

Dunedin Canmore Housing Association and Castle Rock Edinvar considered the previous application which was for 24 flats but, due to the high build costs and the minority ownership within the stairwell, were unable to take this forward. All RSLs operate within the same financial parameters and with the same regulatory framework, and therefore no other RSLs would be able to deliver the proposed housing for the reasons identified above.

Where a developer has clearly established that the development would not be viable for a housing association to deliver, then the affordable housing policy allows for alternative methods of onsite delivery to be considered.

For a property to be considered as viable for Golden Share it cannot exceed a Market Value of £268,000 to achieve the £214,000 maximum purchase price for Golden Share housing. Golden Share properties have their sales value restricted to 80% of market value in perpetuity. Given the anticipated sales prices of £285,000 for the smallest property there are no units close to this price range and a recommendation cannot be made for Golden Share Housing.

Over nine out of ten applications have affordable housing delivered onsite. The Affordable Housing guidance, last updated in February 2019 and approved by Planning Committee, considers that if options for onsite delivery have been explored but are not viable then as a last resort a commuted sum payment can be agreed in lieu of onsite affordable housing.

The developer will provide the commuted sum through a Section 75 agreement, paying the sum prior to the commencement of construction on the principal site. The amount of the commuted sum is based upon the affordable housing land value and is likely to be in excess of £55,000 per unit. As a commuted sum is required, the District Valuer has been instructed, and the value of the sum is being independently assessed. The applicant has agreed to abide by the valuation that the District Valuer provides.

The Council has 10 years to use the sum to secure an affordable housing project. With the expanding housing programme, opportunities will arise within this timeframe to identify a project which requires the additional financial support that is enabled by commuted sums payments, either in the same or an adjacent ward.

3. Summary

The applicant has made a commitment to provide 25% (5.5 units) offsite affordable housing, as a commuted sum. These will be secured by a Section 75 Legal Agreement.

- Over 9 out of every 10 applications have affordable housing delivered onsite. Commuted Sum are accepted as a last resort, once all other options are explored.
- RSL partners were requested to assess the project and declined the opportunity due to high build costs and minority ownership within a stairwell.
- The commuted sum is assessed by the District Valuer and will be paid prior to commencement of development. This will be used to support delivery in the same ward or in an adjacent ward within the city.

Communities and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Only eight of the flats have more than one bedroom. Using the pupil generation rates set out in the Supplementary Guidance, the development of eight flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Waste Management Service

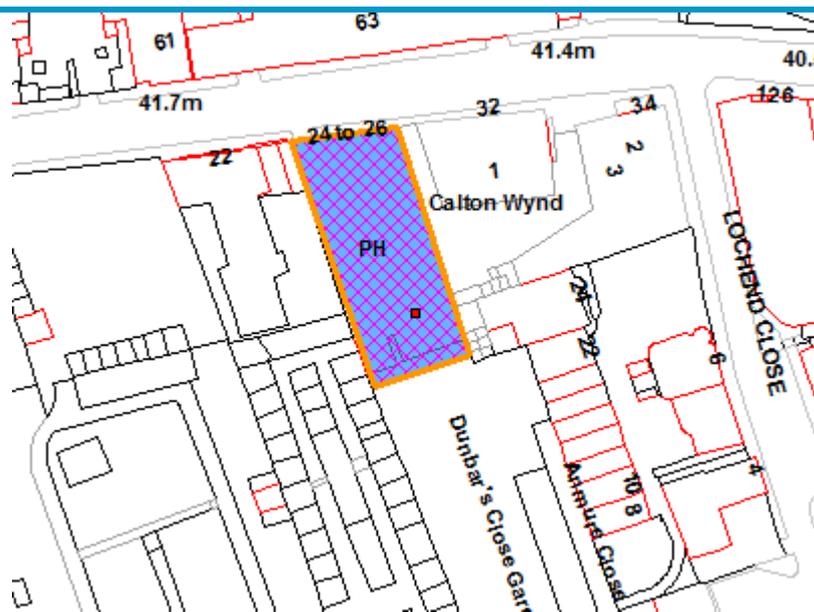
In order for The City of Edinburgh Council to provide a recycling and waste collection service to new developments or converted properties (e.g. a conversion of a house into flats), the information outlined in The City of Edinburgh Council's document, "New and Revised Domestic Property Developments Waste and Recycling: Instructions for Architects and Developers, May 2019" must be fully considered before submitting plans to the Waste and Cleansing Service in order to obtain the required agreement for the proposed waste management strategy.

Under the Environmental Protection Act 1990, The City of Edinburgh Council is only required to provide a waste collection service to developments/properties should they conform to the Council's specified requirements.

It is the applicant's responsibility to develop a waste management strategy for your development which:

- is operationally viable for the Waste and Cleansing Service and in particular takes into account the vehicle dimensions and Swept Path Analysis;*
- is compliant with the Council's own strategies and provides residents with a fully integrated and comprehensive recycling and waste collection service;*
- is safe and practicable for both residents and collection staff to operate.*

Location Plan



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