

# Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/00868/FUL  
At Land 296 Metres South Of 17, Frogston Road East,  
Edinburgh  
Change of house types and creation of 16 additional units  
to form 39 terraced houses.**

**Item number**

**Report number**

**Wards**

B16 - Liberton/Gilmerton

## Summary

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The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

## Links

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[Policies and guidance for this application](#)

LDPP, LDES07, LDEL01, LHOU02, LHOU04, OTH, NSGD02,

# Report

## **Application for Planning Permission 19/00868/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 16 additional units to form 39 terraced houses.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

This application relates to an area within the wider Broomhills residential development site. This site is located in the southern part of the site, fronting the open space and tree belt.

#### **2.2 Site History**

12 May 2017 - Planning permission granted for residential development (633 units)(with small scale commercial units) with associated roads, footpaths, parking, landscaping and open space plus a site for a new Primary School (Application number: 14/04860/FUL).

21 February 2019 - Planning applications submitted for additional units in various other zones across the wider site:

- Planning application reference: 19/00868/FUL for an additional 16 units (this application);
- Planning application reference: 19/00869/FUL for an additional 7 units;
- Planning application reference: 19/00871/FUL for an additional 5 units;
- Planning application reference: 19/00872/FUL for an additional 10 units.

### **Main report**

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#### **3.1 Description Of The Proposal**

This application seeks to change the house types and increase the number of units in one of the zones of development within the wider Broomhills development site (application reference 14/04860/FUL).

The previously approved layout for this zone showed 19 detached houses. The proposed layout is for 35 terraced houses. Thus the total increase in numbers from the original permission is 16 private dwellings.

There are three other similar applications within the wider site, and the total increase in number of units is 38 across the four sites. Additional affordable housing units are provided under application reference 19/00871/FUL, which is also within the wider site.

The road structure, building frontages, open space provision and parking provision has remained unchanged from the original planning permission.

The proposed terraced houses are the same house types as previously approved as part of the original permission under application reference 14/04860/FUL.

### **Supporting Information**

The following documents have been submitted in support of the application:

- Updated Noise Report
- Updated Air Quality Report
- Updated Transport Assessment

These documents are available to view on the Planning and Buildings Standards Online Service.

### **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.

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 proposal is acceptable in principle;
- (b) There are any amenity issues;
- (c) There is any additional impact on infrastructure; and
- (d) There are any other issues or representations.

### **(a) The Principle of the Development**

The site is allocated for housing (Broomhills HSG 21) and is currently being developed as part of planning permission 14/04860/FUL. This meets the requirements of LDP Policy Hou 1 (Housing Development).

LDP Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes to meet a range of housing needs. In this instance, the terraced houses are acceptable and they will help to maintain a mix of unit sizes across the wider site. It will also help make more efficient use of this allocated site by increasing the overall housing provision.

Similarly, LDP Policy Hou 4 (Housing Density) seeks an appropriate density of development by having regards to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility to public transport and a high quality of urban living.

This proposal meets the requirements of Policy Hou 4, in that the additional units are similar to the characteristics of the wider development and will create an acceptable residential environment which fronts on to an area of open space. The overall density of the wider development will only be marginally increased, but this is not to the detriment of amenity. Therefore, the increase in unit numbers is acceptable in terms of Policy Hou 4.

The additional units in this part of the development are acceptable as the site will still retain a mix of unit types and sizes within the site, and is in accordance with LDP policies.

### **(b) Amenity**

LDP Policy Des 5 (Development Design - Amenity) states that issues of noise, daylight, sunlight and privacy are considerations given to housing developments. The units are proposed to be changed from detached houses to terraced houses. This increases the density but the units retain adequate garden ground and there are no issues with privacy or overlooking. The houses along the southern and eastern boundaries will retain a good level of amenity due to the outlook onto open space.

The proposal is in accordance with LDP Policy Des 5.

### **(c) Infrastructure Impacts**

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any additional impact.

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward (housing output). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure actions have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

This site falls within Sub-Area LG-1 of the Liberton Gracemount Education Contribution Zone. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

Infrastructure contributions are required in order to mitigate the increase in unit numbers with regards to education and transport. The total amount of education contribution for this application is £379,856. Transport actions total £6794.

Additional affordable housing provision will be provided within another pod within the wider site and this is acceptable and will be secured through a legal agreement.

On the basis that the applicant agrees to pay these contributions, the proposal is in accordance with LDP Policy Del 1.

The Air Quality assessment does not identify any additional impacts that require mitigation.

#### **(d) Other Issues and Representations**

There have been no comments received in relation to this application.

Conditions are recommended to tie in with the original planning permission (reference 14/04860/FUL) for the wider site in relation to contamination, flooding and landscaping.

There are no other material issues that have arisen that require to be assessed.

#### **Conclusion**

The additional units are acceptable on this part of the wider site and will have adequate amenity. There will be no impacts on views into the site and there are no additional impacts on infrastructure on the basis of a new legal agreement to mitigate any additional impacts. The proposal complies with the development plan policies and is acceptable. No material considerations indicate otherwise.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. Prior to the commencement of construction works on site:
  - (a) A site survey (including initial desk study as a minimum) 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 and Building Standards.
2. No built development or land-raising shall take place within the 1:200 year flood extent as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting dated 28th November 2013, attached to planning permission 14/04860/FUL.
3. The landscaping scheme shall be fully implemented within six months of the completion of the development.

#### **Reasons:-**

1. To ensure that the site is suitable for redevelopment.
2. In the interests of flood prevention.
3. In order to ensure that the approved landscaping works are properly established on site.

#### **Informatives**

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been signed in respect of:
  - £379,856 for education provision;
  - £6794 for transport infrastructure;
  - Affordable housing in relation to the contributions as part of planning application 19/00871/FUL.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The application will be subject of a legal agreement.

In total across the four applications for additional units, the education contribution is £703,446 and £86,236 for the land contribution. The breakdown is:

Application 1 (18/00869/FUL) - 16 extra houses - £388,544 and £41,312 for land;  
Application 2 (19/00873/FUL) - 6 extra flats and 4 extra houses; £110,994 and £13940 for land. Take away 5 houses (£105795 and £12910 = £118705) = £6229;  
Application 3 (19/00868/FUL) - 16 extra houses - £338544 and £41312 for land;  
Application 4 (19/00872/FUL) - 10 extra houses - £211590 and £25820 for land.

Transport Contributions for this application total £6794.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

No representations have been received.

## **Background reading/external references**

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- 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 an allocated housing site in the Edinburgh Local Development Plan (HSG 21).

**Date registered**

21 February 2019

**Drawing numbers/Scheme**

01-10,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

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

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

**Other Relevant policy guidance**

**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.

# Appendix 1

## **Application for Planning Permission 19/00868/FUL At Land 296 Metres South Of 17, Frogston Road East, Edinburgh Change of house types and creation of 16 additional units to form 39 terraced houses.**

### **Consultations**

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#### **Affordable Housing - 21 May 2019**

##### *1. Introduction*

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

*Place 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 7 Affordable Housing in the Edinburgh City Local Plan.*

##### *2. Affordable Housing Requirement*

*A minimum of 25% (8.8) of these homes will be required to be of approved affordable housing tenure.*

*This application is part of a larger development site that has planning permission of 633 homes of which 158 are affordable (14/04860/FUL). The applicant has submitted four new applications which will increase the overall number of homes from 633 to 671 and this increases the number of affordable homes required to 168. The additional 10 affordable homes will be delivered at the site subject of another application (19/00871/FUL). This is acceptable.*

*The applicant has stated that the affordable housing requirement for this planning application will delivered on another site located within the wider development at 17 Frogston Road East. This is acceptable but as this is a new application, a new S75 legal agreement will be required to secure the affordable housing across the whole development and for this application.*

## **Roads Authority - 02 July 2019**

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

- 1. The applicant will be required to contribute the sum of £6,794 to the Burdiehouse Junction Transport Contribution Zone (see note below);*
- 2. 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;*
- 3. 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;*
- 4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

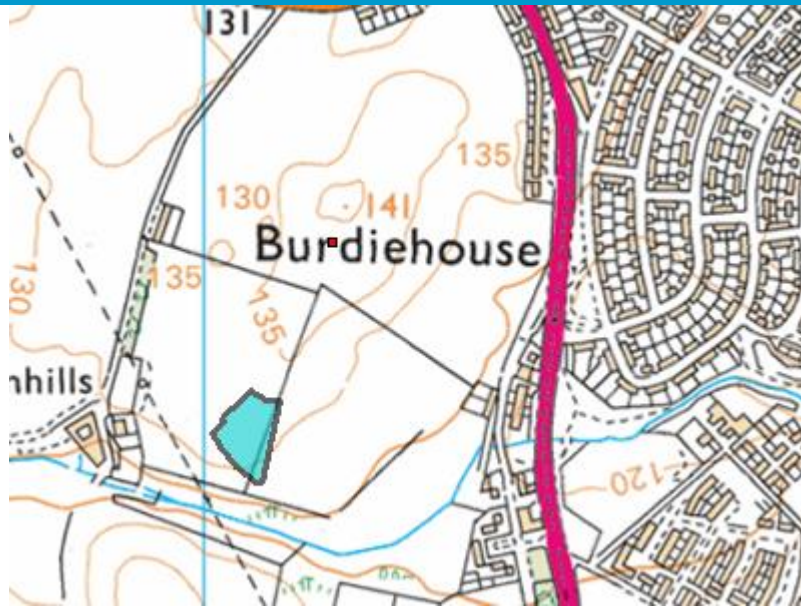
*Note:*

*The existing permission (Ref.14/04860/FUL) included a transport contribution of £223,474 for the overall site of 633 units based on 56% of the £400,000 cost of the junction improvements. The revised cost of the junction improvements is now £480,000 as set out in the Council's developer contribution document. Therefore, the existing permission would have been required to contribute £268,800 (i.e. 56%), a cost per unit of £424.65.*

*The proposed application adds 16 units to the permitted site which is considered to require a contribution of £6,794 (based on £424.65 per unit).*

## Location Plan

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