

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01461/FUL
At 7 - 17 Leven Street, Edinburgh, EH3 9LH
Partial demolition of the existing building and construction
of 8 flatted dwellings including internal and external
alterations to the existing shop (as amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed housing use is acceptable in principle. The proposal creates a satisfactory infill in terms of form and design. The impact on the privacy and daylight of neighbouring properties falls within acceptable parameters in terms of the Council's Non-Statutory Guidance. The zero car parking provision is acceptable in this location. The cycle parking provision is acceptable. Minor non-compliance in relation to private open space is acceptable in the context of this urban infill and proximity to public open space. No other considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02, NSLBCA, LEN03,

Report

Application for Planning Permission 19/01461/FUL At 7 - 17 Leven Street, Edinburgh, EH3 9LH Partial demolition of the existing building and construction of 8 flatted dwellings including internal and external alterations to the existing shop (as amended).

Recommendations

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

Background

2.1 Site description

The application site extends to approximately 1253 square metres and comprises a supermarket (class 1 retail) at the ground floor with a gym (class 11) located above on the first floor. The existing building was constructed in the 1950s and was one of the first Co-operative stores in Edinburgh. The building is part two storey, part single storey with large amounts of glazing to the supermarket frontage and gym above. The supermarket footprint covers the majority of the site to the rear at single storey height and is covered by a shallow pitched roof.

The building fronts onto and is accessed off Leven Street. There is a service bay located to the front of the site within the existing highway. There is a gated service yard to the rear of the site.

The application site is located at the northern end of Leven Street and is located within the City Centre and Tollcross Town Centre boundaries. The site falls within a mixed use area, generally characterised by a variety of commercial uses at ground floor with residential above. There is some variety in terms of the design and heights of the buildings within the immediate vicinity of the site, although the wider urban form is dominated by more traditional tenement buildings located within perimeter blocks. The predominant material is stone, some of which has been painted. Roofs are predominantly pitched with grey slates albeit there is a variety in pitch and architectural detailing including dormer windows.

The application building adjoins a category B listed building to the south (LB ref: 44943 dated 23/01/1998).

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

2.2 Site History

No relevant historic planning history.

There is a concurrent Listed Building Consent application currently under consideration for works relative to this planning application and the northern gable of the listed building at 21-23 Leven Street (application reference: 19/02790/LBC).

Main report

3.1 Description Of The Proposal

The proposal is for the partial demolition of the existing Scotmid store and the construction of eight flats above. The ground floor will continue to be occupied by Scotmid but will undergo internal alterations. The existing retail floor space is approximately 920 square metres with a net sales area of 570 square metres. Following the proposed refurbishment, the store will have a smaller gross floor area of 902 square metres and a larger net sales area of 594 square metres. The store will retain its access off Leven Street. The service bay to the front of the store and existing servicing arrangements to the rear will be retained. Four customer cycle parking spaces will be provided to the front of the store and four staff cycle spaces to the rear.

The residential accommodation is provided over three storeys located above the Scotmid store. The flats range in size from 40 square metres to 105 square metres and are a mix of 3 x studio flats (40 square metres), 1 x one bed (56 square metres) , 2 x duplex two bed (84 square metres) and 2 x three bed duplexes (with 94 square metres and 105 square metres). Residential access is via a separate access off Leven Street.

Sixteen secure cycle spaces are provided to the ground floor and accessed off the residents' lobby. Waste is stored and can be collected directly from a separate communal refuse store located at the ground floor.

The proposal does not include any vehicle parking.

Proposed materials include sand stone cladding, render panel, curtain walling and zinc cladding.

Scheme 1

Scheme 2 has been significantly revised from the submitted scheme (Scheme 1) and includes substantial alterations to the design of the front and rear elevations including the removal of the rear off shoot at the first and second floor. The proposed flats now sit within the existing urban grain, positioned between the gables of the neighbouring buildings. The revised proposal has a continuous roof line with dormers and will use a consistent palette of material across the front elevation. The rear windows closest to the existing neighbouring buildings have been angled. The number of units remains the same although the configuration of each unit has been modified to account for changes to the building design. The residents waste storage and collection point has been separated from the residents' lobby and is directly accessible off Leven Street. The type of residents' cycle parking has been changed to Falco Level Premium+ to provide access to all.

Supporting Statement

The applicant has submitted the following information in support of the application:

- Design & Access Statement
- Supporting Statement
- Application form, drawings and visualisations
- Daylight and Sunlight Study
- Noise Impact Assessment

The above supporting information is available to view on the Planning and Building Standards Online Services.

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 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 the development is acceptable in this location;
- b) the proposed scale, form and design and of the proposal are acceptable;
- c) the proposal will not result in an unacceptable impact on the setting of the listed building;
- d) the proposal will preserve or enhance the special character or appearance of the conservation area;
- e) the proposal raises any issues relating to amenity;
- f) the proposal will provide a suitable level of amenity for the future occupiers;
- g) the proposal is acceptable in terms of transport, traffic and road safety;

- h) there are any other material considerations; and
- i) issues raised in material representations have been addressed.

a) Principle

Retail

The application site is currently operated by Scotmid Co-operative as a Class 1 retail use. The principle of retail use on the site is therefore established. The proposed alterations to the internal supermarket floor result in a modest increase in net retail area from 570 square metres to 594 square metres. The overall footprint of the building remains the same.

The retail use is an existing use and the retention of the supermarket in this location is supported.

Housing

Policy Hou 1 - Housing Development prioritises the delivery of housing on suitable sites within the urban area provided that proposals are compatible with other policies in the LDP.

Policy Hou 4 - Housing Density considers the density of a development.

Policy Hou 2 - Housing Mix seeks the provision of a mix of house types and sizes where practical, to meet a range of housing needs.

The site is located in the urban area as designated in the Local Development Plan (LDP), where housing is supported in principle subject to compliance with the other relevant LDP policies. The proposal is for an additional eight flats and contains a mix of units ranging from studio to three bedroom flats. The site is located in the city centre in a mixed use area in close proximity to good transport links and community facilities. The provision of housing is compatible with the ground floor retail use and neighbouring uses. The proposed density and mix of flats are appropriate in this sustainable city centre location and comply with LDP Policy Hou 2.

b) Scale, Form and Design

Policy Des 1 -Design Quality and Context of the LDP requires proposed development to draw on the positive characteristics of the surrounding area.

Policy Des 3 -Development Design Incorporating and Enhancing Existing and Potential Features of the LDP states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 Development Design - Impact on Setting requires development to have a positive impact on its surroundings and pay due regard to the height and form, scale and proportions, position of buildings and materials and detailing.

The predominant urban form within the site locality is traditional stone built tenements with pitched roofs. To Leven Street, commercial shop frontages are located at ground floor with residential accommodation above. There is a variation in building heights and some variation in architectural detail within the immediate site vicinity. The existing building sits back from the neighbouring buildings to either side of the site and is of its own character and form. It does not reflect the established built form in terms of its design, massing or the materials used in its construction.

The site is constrained by the service layby to the front of the store which serves the Scotmid and other commercial premises along Leven Street. In addition, the proposal is to refurbish and retain the supermarket which will remain operational throughout construction. As such the building footprint is dictated by these requirements and cannot be bought forward.

The front elevation is a contemporary design with large vertical openings and dormers within the roof. The large vertical openings provide a vertical rhythm to the front elevation and help to break up the frontage, which is wider than the neighbouring buildings. Although the overall building height is higher than the neighbouring dwellings, the height is acceptable in this context, bridging the existing differences in building height. The dormers break up the roof scape and reference the detailing on the neighbouring building.

The shop fascia is longer but narrower than the existing, taking account of the future Scotmid signage, and will span the majority of the frontage. Whilst it will provide quite a substantial and heavy fascia, it is generally in keeping with the fascia heights to the south of the site and provides a visual reference to the commercial usage at ground floor. An opening has been provided to the stair core and a residents' access at ground floor. This provides more activity to the frontage and natural surveillance at ground level to the existing recess created where the application building adjoins the building to the south.

Whilst the proposed design is not typical of the area the height and form is more appropriate than the existing building and is acceptable when taken in the context of the site and its constraints.

Sandstone has been indicated to the front elevation, which will tie in with the character of the area. Render is indicated to the rear. Given that this is a secondary elevation this is acceptable in principle. However, the tone and finish needs to be considered further. Zinc cladding is indicated to the roof however, zinc or a combination of slate to the roof and zinc to the dormers may be more appropriate. It is therefore recommended that a condition is imposed on any permission granted to secure an appropriate palette of materials.

The proposal would therefore repair an existing gap in the urban form through the provision of a building of a more appropriate form and massing than the existing. The proposal is therefore in accordance with policies Des 1, Des 3 and Des 4 of the Edinburgh Local Development Plan.

c) Impact on the setting of the Listed Building

LDP Policy Env 3 - Listed Buildings - Setting states that development should not detrimentally affect the character and setting of listed buildings. The proposal is being attached to the blank side gable of the adjacent listed building. It will sit between the existing urban grain and as such the proposal does not prevent the front elevation of the listed building from being read from the street scene in the same way as with the existing relationship. The key views from and of the listed building are not therefore affected.

Therefore the proposal will not harm the setting of the listed building and is in accordance with Policy Env 3 of the Edinburgh Local Development Plan.

d) Impact on the Conservation Area

Policy Env 6 Conservation Areas - states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area.

The application site is located within the Marchmont Meadows and Bruntsfield Conservation Area. The conservation area character appraisal refers to the following important characteristics of Bruntsfield:

- *High quality local sandstone, slate roof, timber sashes unify the different types and scales of housing. Chimney- stacks, bays dormers and other flourishes continue this theme.*
- *Solid continuity of stone walls, pitched roofs, stone front walls and railings.*
- *A palette of housing forms that blend together well and provide surprising variety.*
- *Consistent quality of building form and materials provide integrity and character.*

The predominant urban form within the site locality is traditional stone built tenements with pitched roofs. To Leven Street, commercial shop frontages are located at ground floor with residential accommodation above. There is a variation in building heights and some variation in architectural detail within the immediate site vicinity.

The existing building sits back from the neighbouring buildings to either side of the site and is of its own character and form. It does not reflect the established built form in terms of its design, massing or the materials used in its construction. Given the variation in roof heights to either side of the site, the proposed roof line is acceptable. The proposal will sit between the existing gables and infill a gap in the urban form. The spacing and rhythm of the windows and the eaves line sits comfortably with the taller neighbouring building to the north. An appropriate palette of materials can be secured by condition.

The proposal will therefore preserve the character and appearance of the conservation area and use appropriate materials. The proposal is therefore in accordance with policy Env 6 of the Local Development Plan.

e) Impact on Neighbour Amenity

LDP Policy Des 5 Development Design - Amenity states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to daylight, sunlight, privacy or immediate outlook.

The application site is in close proximity to a number of residential properties. The Edinburgh Design Guidance (EDG) sets out how the impact of a development on existing buildings should be assessed, stipulating that the amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). This should be more than 27% or 0.8 of its former value.

A daylight assessment has been prepared by the applicant in accordance with the Technical Guidance contained within the Edinburgh Design Guidance. This assessment tests all the windows in the rear elevation of the existing neighbouring dwellings to the north west of the site on Gilmore Place. Of the thirty windows tested, twenty five will have a reduced amount of daylighting reaching the external window. However, these reductions sit within the parameters allowed under the Edinburgh Design Guidance. The assessment also tests nine windows in the adjoining buildings to the north and south side of the application site. Whilst there are reductions to the level of daylight received, these all sit within the parameters allowed for within the Edinburgh Design Guidance.

The daylight assessment includes an assessment of sunlight to existing gardens through the application of a 45 degree line in accordance with the EDG. This shows that those properties to the west with rear gardens are sufficiently set back from the site that the proposal will not result in a detrimental impact on sunlight into their rear gardens.

The design of the windows closest to the existing neighbouring building on Gilmore Place has been angled. At first and second floor, these windows serve bedrooms. As a result there is no direct overlooking of the rear elevation of those properties on Gilmore Place. The remaining windows to the rear elevation at first and second floor serve either the hallway area of the new flats or the communal access corridor and do not therefore serve habitable rooms. To the third floor the closest rear bedroom window is set further back from the existing building on Gilmore Place. This is a small opening and, given the tight angle to the nearest window on Gilmore Place, the opportunity for direct overlooking is prevented. The remaining windows serve bathrooms and bedrooms. The windows serving the bedrooms are set furthest back from the existing neighbouring building and given the acute angle the opportunity for direct overlooking is reduced. Notwithstanding this, the EDG does not stipulate a specific privacy distance between buildings but suggests that the pattern of development within the area will help to define distances between buildings. Longer views to those dwellings located further to the west along Gilmore Place are possible. However, this type of relationship between buildings is not uncharacteristic of higher density urban living.

The EDG states that achieving reasonable amenity needs to be balanced against achieving good townscape. Whilst the proposal will alter the outlook from the rear of the existing properties along Gilmore Place, the location of the proposal is such that it will not be unduly overbearing or impact immediate outlook. The proposal will fill in the existing gap created by the existing building and be positioned within the building lines of the existing urban grain, thereby achieving an enhanced townscape. As stated in the EDG, private views are not protected. The proposals comply with policy Des 5 in terms of neighbouring amenity.

f) Amenity for future occupiers

Policy Des 5 also considers the amenity of the future occupiers of the new development.

Daylighting

The internal floor area of each flat complies with the minimum space standards set out in the EDG. The first floor studio flats are all single aspect. The applicant has submitted drawings that show that direct skylight will penetrate at least halfway into rooms within the new development, using the 'no sky line method' as detailed in the EDG. As such it has been demonstrated that adequate daylight is provided to the new development.

Noise

The applicant has submitted a Noise Impact Assessment (NIA). Environmental Protection has accepted the findings of the report and does not object to the proposal. The NIA has identified that noise arising from road traffic and trolley rattle across the rear service yard can be appropriately mitigated for the future occupiers of the development through the installation of acoustic glazing and the re-surfacing of the service yard. It is recommended that a compliance condition is imposed on the decision to secure this, in line with the recommendations of the NIA.

It is understood that noise from plant has been the cause of noise complaints from existing nearby residents in the past and has also been raised in neighbour representations. The applicant has advised that it is intended to replace the existing plant with newer more efficient plant as part of the re-development of the site. Whilst an assessment of plant noise has been included in the applicant's Noise Impact Assessment, the planning authority cannot reasonably control these issues as part of the planning process as this is an existing lawful use. Similarly noise arising from deliveries to the site cannot reasonably be prevented by planning condition. Any noise issues arising from the site would be dealt with under the statutory noise nuisance legislation.

The proposals comply with policy Des 5 in terms of the amenity of future occupiers.

Open space

Policy Hou 3- Private Green Space considers open space requirements for new housing. In flatted developments where communal provision will be necessary this will be based on a standard of 10 square metres per flat. A minimum of 20 % of total site area should be useable green space. However exceptions may be justifiable if there are good reasons why this cannot happen, for example where justified by Policy Hou 4 on density.

The application site is a constrained urban site. No private balconies or external green space is proposed. There are other flatted dwellings within the site vicinity that do not have access to private open space or balconies. This arrangement is not therefore uncharacteristic of the area. Furthermore, the application site is located in close proximity to Bruntsfield Links and The Meadows and therefore has good access to open space. Given this, the exception to policy Hou 3 is acceptable in these circumstances.

g) Impact on Traffic, Road Safety and Parking

Policies Tra 2 - Private Car Parking and Tra 3 - Private Cycle Parking state permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels and cycle parking and storage complies with the standards.

Zero car parking is proposed. This is acceptable given the site's City Centre location and good access to public transport links. The site is not eligible for residents' parking permits.

Sixteen residents' cycle parking spaces will be provided within an internal secure cycle store located within the residents' lobby. There are currently two cycle stands which provide four spaces to the front of the store. As part of the proposal two cycle stands will be provided to the front of the store for visitors which will provide four spaces. There is no reduction in provision therefore. Four spaces for staff will be provided within the rear service yard.

Neighbour representations have raised concern that existing deliveries to the store block the road, layby and pavement by parking in unsafe locations. There are traffic controls in place on Leven Street to prevent this. As stated above, the current retail use is authorised and these issues are outwith the control of the planning authority.

The Roads Authority has not raised any objections to the proposals on road safety grounds.

The proposal is therefore in accordance with Policies Tra 2 and Tra 3 of the LDP.

h) Any other material considerations

Archaeology

Whilst the building is not listed, the site has been identified as occurring within an area of local historic/archaeological interest. Although the majority of the current store foot print will remain for refurbishment the proposals will impact upon the fabric and layout of the current store which dates back to the late 1950s. It is therefore recommended that a condition is imposed on the decision requiring a detailed archaeological building survey to be undertaken prior to the commencement of development.

Developer Contributions

Education

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 pupil. No contributions are required in this case.

Affordable Housing

The proposal does not meet the minimum unit number for the provision of affordable housing.

Housing tenure

The applicant has advised that it is intended to build the units as build to rent (BTR) properties. BTR developments are considered as a strand of mainstream housing and relevant Local Development Plan policies and guidance apply. The LDP supports housing in the urban area in principle under policy Hou 1 - Housing Development.

Representations have raised concerns about the likely end occupier, particularly use of the units as short term holiday lets. This is not included in the proposal. If the units were to be used for short term holiday lets in the future, a change of use would require planning permission and the relevant material considerations would be assessed at the time.

Public Realm

It would be unreasonable for the Council to require public realm improvements in connection with this development as they are not required to make it acceptable.

Waste

The Council's Waste Management Service has confirmed that the proposal makes adequate provision for waste facilities within the site.

Drainage and sewerage

Adequate capacity is in place and these matters will be addressed as part of the building warrant process.

Sustainability

Whilst sustainable technologies are encouraged, it is not a planning policy requirement for the development to include them.

i) Public comments

Scheme 1 - Material comments - objections

- design, height, proportions and materials out of character with surrounding area - assessed in section 3.3 b).
- adverse impact on conservation area - assessed in section 3.3 d).
- not in keeping with adjacent listed building - assessed in section 3.3 c).
- overdevelopment of site - assessed in section 3.3 b).
- adverse impact on neighbouring amenity - assessed in section 3.3 e).
- amenity of future occupiers in relation to retail use - assessed in section 3.3 f).
- impact on existing parking and congestion - assessed in section 3.3 g).
- lack of public realm improvements - assessed in section 3.3 h).
- small cramped flat - assessed in section 3.3 f).
- impact on existing bins/recycling - assessed in section 3.3 h).
- lack of sustainable technologies - assessed in section 3.3 h).
- potential for increased noise from retail use - assessed in section 3.3 f).
- impact on school places - assessed in section 3.3 h).
- more refrigeration would be an eyesore - assessed in 3.3 f).
- drains and sewerage - assessed in 3.3 h).

Scheme 1 - Material comments - support

- Edinburgh needs more social rent/affordable housing - assessed in section 3.3 a) and h).
- design is an improvement on existing - assessed on section 3.3 b).
- more homes needed to support local facilities - assessed in section 3.3 a).
- zero parking supports active travel - assessed in section 3.3 g).

Scheme 1 - Material comments - neutral

- increase in sales should not mean increase in plant - assessed in section 3.3 f).
- additional cycle stands should be provided - assessed in section 3.3 g).

Scheme 1 - Non-Material comments

- deliveries cause noise and health and safety problems - the current retail use is established and there will be no change to this.
- unclear who future residents will be - the nature of future occupants is not a matter for the planning authority.

- neighbour notification issues - neighbour notification was carried out in accordance with statutory legislation.
- limited drawings - sufficient drawings and information is available to make a determination.
- precedent - each application is dealt with on its own merits.
- property values lowered - this is not a material planning consideration.
- profit before community - planning applications are determined in accordance with the development plan.
- plans may be varied - changes would be assessed for materiality and a new application may be required.
- loss of gym - there is no policy basis to resist this.
- impact of access for emergency services - there is no change to access to the rear.
- no pre-application consultation with local community - this is not a statutory requirement for local developments.
- noise, disturbance and pollution during construction - this is outwith the control of the planning authority.
- Impact on World Heritage Site - the application is not within the WHS.
- flats will be overpriced - this is outwith the control of the planning authority.
- reduction in number of tills, seating for elderly people - this is a matter for the retail operation.

Scheme 1 - Tollcross Community Council - objection

- neighbouring amenity concerns - assessed in section 3.3 e).
- no daylighting assessment - assessed in 3.3 e).
- design - assessed in 3.3 b).

Scheme 2 - Material comments - objection

- design, height and massing out of character with surrounding area - assessed in section 3.3 b).
- adverse impact on conservation area - assessed in section 3.3 d).
- not in keeping with adjacent listed building - assessed in section 3.3 c).
- material - use of render - assessed in section 3.3 b).
- adverse impact on neighbouring amenity - assessed in section 3.3 e).
- accuracy of daylighting assessment - assessed in section 3.3 e).
- increased noise from refrigeration - assessed in section 3.3 f).
- overdevelopment - assessed in section 3.3 b).
- impact on parking - assessed in section 3.3 g).
- impact on school places - assessed in section 3.3 h).

Scheme 2 - Non-Material comments

- view from flat - private views are not protected.
- planning process concerns - the necessary level of information has been provided to assess the proposals. Neighbours were re-notified on scheme 2.
- future occupiers/short term rents - further planning permission would be required for short term lets.

- loss of gym - there is no policy basis to resist this.

Scheme 2 - Tollcross Community Council - material objection

- neighbouring amenity concerns - assessed in section 3.3 e).

Scheme 2 - Tollcross Community Council - non -material objection

- construction of flats - this is a matter for the building regulations.
- noise at Scotmid store - this is covered by environmental legislation.
- lack of community consultation - this is not a statutory requirement for local developments.

Conclusion

The proposed housing use is acceptable in principle. The proposal creates a satisfactory infill in terms of form and design. The impact on the privacy and daylight of neighbouring properties falls within acceptable parameters in terms of the Council's Non Statutory Guidance. The zero car parking provision is acceptable in this location. The cycle parking provision is acceptable. Minor non-compliance in relation to open space is acceptable in the context of this urban infill and proximity to open space. No other considerations outweigh this conclusion.

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 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.
2. 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.

3. Notwithstanding the submitted information, and prior to the commencement of the development on site a sample board detailing the materials to be used in the external elevations of the development shall be submitted to and approved in writing by the Planning Authority.
4. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. Prior to the occupation of the development hereby approved, the following measures shall be fully implemented on site, in accordance with the noise protection measures identified in the the New Accoustics 'Noise Impact Assessment' report dated 7th June 2019:

-Glazing units with a minimum insulation value of 10mm/16mm argon/8.8mm double glazing should be installed for all windows on the east façade (facing Leven St) with supporting trickle vents.

-Glazing units with a minimum insulation value of 6mm/12mm/6mm double glazing should be installed for all windows on the west façade with supporting trickle vents.

-The delivery bay area must be treated and finished with a smooth, flat road surface to reduce trolley rattle.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
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 enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. This does not require to be subject of a legal agreement.
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.
6. 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).
7. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
8. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
9. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
10. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
11. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
12. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

13. This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
14. It is recommended that the applicant produces a Construction Environment Management Plan to ensure that noise and dust/emissions during the construction phase is controlled. It should be noted that construction noise is regulated under the Control of Pollution Act 1974 and noise from construction is only permitted between Monday - Saturday 7:00-19:00.
15. The applicant is advised that the existing 1.2m acoustic barrier on the south edge of the roof must remain in place.
16. The applicant will be required to provide 16 cycle parking spaces in a secure and under cover location for the residential units.
17. Any works to the to the footway, including relocation / replacement of the existing on-street cycle parking, 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

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 is not subject to 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

Seventy one representations have been received in total.

Scheme 1

Fifty six representations have been received. Of these fifty one object to the proposal. Two support the proposal and three are neutral.

Scheme 2

Fifteen representations have been received. Of these fourteen object to the proposal and one supports the proposal.

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 Adopted Edinburgh Local Plan and the relevant Non-Statutory guidance.

Date registered

22 March 2019

Drawing numbers/Scheme

01, 02, 03, 04, 05, 06 A, 07 A, 08 A, 09 A, 10 A, 11 A, 12 A, 13 A, 14 A, 15,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Astrid Walker, Planning Officer

E-mail:astrid.walker@edinburgh.gov.uk Tel:0131 529 3620

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

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 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 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.

Relevant Non-Statutory Guidelines

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.

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

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.

Appendix 1

Application for Planning Permission 19/01461/FUL At 7 - 17 Leven Street, Edinburgh, EH3 9LH Partial demolition of the existing building and construction of 8 flatted dwellings including internal and external alterations to the existing shop (as amended).

Consultations

Roads Authority

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

- 1. The applicant will be required to provide 16 cycle parking spaces in a secure and under cover location for the residential units;*
- 2. Any works to the to the footway, including relocation / replacement of the existing on-street cycle parking, 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*
- 3. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. This does not require to subject of a legal agreement;*
- 4. 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;*
- 5. 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).*

Note:

The proposed zero car parking is acceptable for residential development in this area.

Environmental Protection

The applicant's proposal at ground level is to demolish the existing one storey structure above the front of an existing Scotmid store and build new residential flats above. The front of the existing Scotmid store will be a new build construction and the remainder of the store will be refurbished. The applicant proposes developing 8 residential units above.

The ground floor is currently a Scotmid store (Class 1 Retail Unit) with a Class 11 Gym located above on the 1st floor. The footprint of the existing store extends over almost the entire site with the exception of the service yard to the north and the emergency escape route to the south. The majority of the existing building is single storey with a small portion of the building accommodating the gym on the first floor fronting Leven Street.

This application is for partial demolition of the existing building at the Leven Street elevation, including the Class 11 gym on the first floor.

The applicant then proposes a reconfiguration of the Scotmid store and construction of 8 residential properties above the retail entrance area. Access to the proposed flats would be through a secure entrance lobby from Leven Street to the south of the store entrance. No car parking proposed with 16 cycle spaces provided.

Environmental Protection had discussions with the applicant before the application was submitted and advice was given regarding the requirements for a noise impact assessment. It was highlighted that plant and delivery noise had been a source of noise complaints. These complaints were from existing residents complaining about noise from the existing store.

The applicant has submitted a supporting noise impact assessment. The purpose of the assessment was to determine the impact of road traffic noise as well as noise from fixed plant (to be replaced as part of this application), and deliveries associated with the Scotmid store on the new residential development. Noise from the proposed replacement plant at Scotmid is also assessed to the nearest existing residential properties. The applicant has identified that noise mitigation measures will be required to ensure amenity can be protected.

As part of the proposed development, Scotmid are replacing their existing rooftop plant, including condensers, air conditioning, air handling units, roof fans and an office fan. Roof plant can operate on a 24/7 and has been a source of noise complaints historically. Deliveries occur on a daily basis between 5pm and 9pm and typically last for 30 minutes according to the noise impact assessment. The movement of cages from the delivery vehicles into the store has been the cause of noise complaints in the past.

Analysis of the road traffic noise indicate that resultant internal levels are compliant with the required noise criteria for daytime and night-time criteria throughout the development only when acoustic glazing is installed. Environmental Protection shall recommend a condition to ensure this mitigation is provided if the application is consented.

The noise impact assessment has highlighted that noise levels from the replacement fixed plant associated with Scotmid will not exceed the required noise criteria within the nearest existing/proposed residential allowing for windows to be open. This assumes the existing 1.2m acoustic barrier on the south edge of the roof remains in place. Environmental Protection shall recommend a condition is attached to any consent to ensure the 1.2m acoustic enclosure remains.

The noise impact assessment has highlighted delivery noise levels is +14dBA in exceedance of the associated background noise level. The context of the delivery noise assessment is that deliveries occur once a day during daytime hours, within a relatively noisy city centre environment. Nonetheless, the applicant has advised that mitigation is necessary to reduce the noise impact on the proposed new development. It is noted that this proposed development will introduce new residential units closer to the delivery area than existing therefore meaning noise mitigation measures that can be conditioned through planning is required.

The applicants noise monitoring observed that noise levels during the delivery were dominated by trolleys rattling as they were being transported over the rough and uneven concrete in the loading bay area. This is consistent with the source of noise complaints from existing residential properties. As this was the dominant noise source it is considered that associated noise levels will be reduced significantly with resurfacing of the delivery bay area with a smooth, flat road surface to reduce trolley rattle. The applicant has highlighted this as a high priority to reduce noise levels from deliveries down to an acceptable level and minimise impacts on amenity.

Deliveries are made from the main road delivery bay therefore Environmental Protection cannot recommend the restriction of hours for deliveries and collection of waste. However, it is strongly recommended that the Scotmid Store manage these operations to ensure impacts on amenity is minimised.

It is welcomed that the applicant will not be providing any carparking spaces. However due to the site location it is recommended that the applicant produces a Construction Environment Management Plan to ensure that noise and dust/emissions during the construction phase is controlled. Environmental Protection will recommend an informative to ensure that these issues are highlighted to the applicant. It should be noted that construction noise is regulated under the Control of Pollution Act 1974 and noise from construction is only permitted between Monday - Saturday 7:00-19:00.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)

Therefore, Environmental Protection offer no objections subject to the following conditions;

1. 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.

2. The following noise protection measures to the proposed residential and store, as defined in the New Acoustics 'Noise Impact Assessment' report (Ref 6926 Rev00), dated 7th June 2019:

- Glazing units with a minimum insulation value of 10mm/16mm argon/8.8mm double glazing should be installed for all windows on the east façade (facing Leven St) with supporting trickle vents.

- Glazing units with a minimum insulation value of 6mm/12mm/6mm double glazing should be installed for all windows on the west façade with supporting trickle vents

- This existing 1.2m acoustic barrier on the south edge of the roof must remain in place.

- The delivery bay area must be treated and finished with a smooth, flat road surface to reduce trolley rattle.

shall be carried out in full and completed prior to the development being occupied.

Informative

a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

f) *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*

g) *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*

h) *No bonfires shall be permitted.*

i) *Deliveries and collections, including waste collections, to be restricted to 0900 - 2100 hours Monday to Saturday.*

Waste Management

Waste and cleansing services takes no stance either for or against the proposed development but as a consultee would make the following comments:

Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a residential development.

It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc.

Adequate provision should also be made for the effective segregation of materials within the building not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location and I feel we would require to look at the bin storage areas for this development more closely.

In view of these factors the developer must contact Waste Services on 0131 608 1100 or contact the officer for the area Hema Herkes directly Hema.herkes@edinburgh.gov.uk at the earliest point for advice relating to their options so that all aspects of the waste & recycling service are considered i.e. access for vehicles, health & safety, presentation points for kerbside bins and/or boxes and size of storage areas required in residential gardens for all bins & boxes etc. It would be beneficial to go through the site plans and swept path analysis/vehicle tracking to show how the vehicle will manoeuvre.

Scheme 2

The bin storage are satisfies my previous queries and concerns. Please can we be kept updated of any changes.

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.

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.

Archaeology

Further to my earlier response of the 17th April new information regarding the history of this store has been brought to light. Accordingly, I would like to revise my earlier comments and recommendations concerning this application, for the partial demolition of the existing building and construction of 8 flatted dwellings including internal and external alterations to the existing shop.

As stated the site was formerly occupied by two Georgian tenements constructed c.1817, the northern originally under the ownership of a Mr Tweeddale the southern by a Mr Henderson. Nineteenth century maps indicate that the northern was gradually developed for possible commercial/light industrial purposes.

However, information relayed to me indicates that the store is of historic interest, being Edinburgh's first American style supermarket store constructed by St. Cuthbert's Co-operative Association in 1959 (their centenary). St Cuthbert's pioneered self-service shopping in Scotland, testing the water with an experimental self-service shop at Dundee Street in 1949. The gates of the goods entrance still bear the letters SCCA despite the store changing name to Scotmid many years ago.

Accordingly, this building although unlisted should be considered to be of local historic/archaeological interest and 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) Policy ENV9.

Accordingly, this site has been identified as occurring within an area of archaeological potential and therefore the 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) Policy ENV9.

Although the majority of the current store foot print will remain for refurbishment the proposals will impact upon the fabric and layout of the current store which dates back to the late 50's. Accordingly it is considered important that prior to development that detailed archaeological building survey is undertaken to provide a permanent record. It is recommended therefore the following condition be attached to ensure that this programme of archaeological mitigation is undertaken;

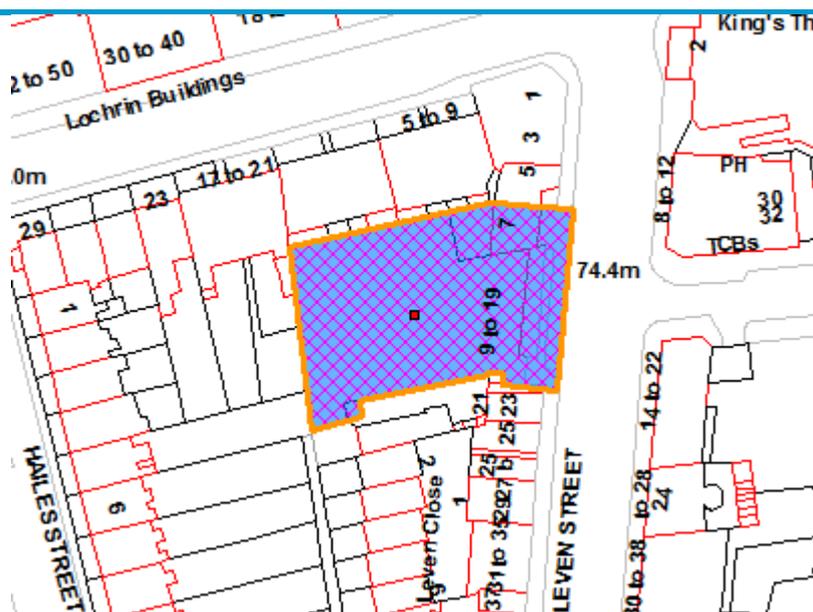
'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the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

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.

Flood

No objection. As the development is retaining the existing ground floor there is limited opportunity to modify the existing drainage regime to introduce more sustainable measures. As a result, Flood Prevention are happy for this application to proceed to determination with no further comment from our department.

Location Plan



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