

Development Management Sub Committee

Wednesday 9 December 2020

Application for Planning Permission 20/00490/FUL at St Kentigern's Church, St Peter's Place, Edinburgh. Conversion of existing former church to 4 houses and construction of 10 new flats (as amended).

Item number

Report number

Wards

B10 - Morningside

Summary

While the proposals do not strictly comply with a number of policies in the adopted Edinburgh Local Development Plan, the planning history of the site and the wider environmental benefits of the scheme are relevant planning considerations that outweigh the infringements.

The scheme, as amended, will not result in adverse harm to the visual amenity of the area and future occupiers will have reasonable levels of living amenity within the development in this location. The proposal will not result in unreasonable harm to neighbouring amenity. A legal agreement will be required to secure on site affordable housing and to provide a sum towards providing a pedestrian link as identified in Fountainbridge Development Brief. There are no material considerations that would outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES12, LEN06, LEN09, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU06, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSLBCA, OTH, CRPMAR, DBFOUN,

Report

Application for Planning Permission 20/00490/FUL at St Kentigern's Church, St Peter's Place, Edinburgh. Conversion of existing former church to 4 houses and construction of 10 new flats (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 is the former St Kentigern's church which ceased to be a place of worship by 1941. The building was last in use as a garage and is not listed. The site is accessed via a tenement pend from St Peter's Place to the west and is currently fenced off.

The north west elevation of the church building fronts onto the Union Canal. Further along the site to the north east is a fenced off pedestrian link to Rope Walk where there is a three storey modern block of flats that sits in front of the site. On the western section of the site is the rear elevation of a five-storey tenement building that fronts onto St Peter's Place with commercial uses on the ground floor. The south west rear section of the site fronts onto the elongated gardens belonging to the corner tenements of St Peter's Place and Gilmore Place. The rear of the site also fronts onto an elongated rear garden belonging to detached building at 100 Gilmore Place. The eastern section of the site fronts onto a row of rear end gardens belonging to properties on Gilmore Place also.

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

2.2 Site History

23 November 2012 - Planning permission granted for change of use, conversion and extension of St Kentigern's Church to form 31 student bedrooms and a restaurant (Application number 09/03320/FUL).

10 September 2018 - Planning permission granted for change of use, conversion + extension of St Kentigern's Church to form 31 student bedrooms and restaurant (renewal of consent 09/03320/FUL) (Application number 15/04795/FUL).

22 March 2019 - Planning permission granted for change of use within the ground floor of the former church at St Kentigern's to provide student accommodation, which will form part of the greater scheme for student accommodation approved under planning applications 09/03320/FUL and 15/04795/FUL (Application number 19/00787/FUL).

Main report

3.1 Description of the Proposal

The proposal is for the development of new flats and the conversion of the existing church building into housing on the site. A total of 14 units are proposed and 100% of the homes will be for mid-market rent.

The conversion of the church building would see a provision of 4 terraced units; 4-bedroom units, ranging between 90 sqm and 128 sqm.

The new built block will be four storeys in height, and it will house 10 flatted units; 6 two-bedroom units, ranging between, 67 sqm and 82 sqm; and 4 studio units, ranging between 43 sqm and 44 sqm. The elevational treatment finish is to include blonde sandstone, aluclad timber windows and privacy mesh screens on the proposed windows throughout.

A provision of two cycle spaces per flat is to be provided. One car parking space is also be provided within the site.

Five category u trees within the site are to be removed. In addition, three trees that lie outside the application boundary on Rope Walk are to be removed.

Previous Scheme

The original scheme was amended to reduce the height of the new build from five to four storey and this has reduced the original number of the new build units from 12 to 10 units. The materials and the size and positioning of the windows on the new build block has been revised.

The following documents were submitted and are available to view on the Planning and Building Standards Online Services.

- Bat Survey;
- Tree Survey and Constraints;
- Flood Risk Assessment and Surface Water Management Plan and
- Design and Access Statement.

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 housing on the site is acceptable;
- b) the principle of conversion of the church building to residential is acceptable;
- c) the proposal is for an appropriate development design and layout and will not detract from the character or appearance of the conservation area;
- d) the density of the development is appropriate for the site;
- e) future occupiers of the new build will have an acceptable level of living amenity;
- f) neighbouring amenity will not be adversely affected by the proposal;
- g) the proposal raises any road safety and meets the current parking standards
- h) other material considerations have been addressed and
- i) public comments raised in representation have been addressed.

a) Principle

Policy Hou 1 Housing Development in the Edinburgh Local Development Plan (LDP) states the circumstances that priority will be given to the delivery of the housing land supply. Criteria (d) of policy Hou 1 permits housing on suitable sites in the urban area, provided that the proposals are compatible with other policies in the plan. The application site is in an urban area as designated in the Edinburgh Local Development Plan. The principle of housing on the site is acceptable, subject to compliance with other policies in the plan. This is addressed in more detail below.

The proposals comply with Hou 1 in the LDP.

In addition, the site lies with the Fountainbridge area of the City Centre where proposal CC3 supports a range of uses and the implementation of the Fountainbridge Public Realm Strategy. The proposal is compatible with these aims.

b) Principle of the proposed conversion

LDP policy Hou 5 Conversion to Housing states that planning permission will be granted for the change of use of existing buildings in non-residential use to housing provided that a satisfactory residential environment can be achieved, housing would be compatible with nearby uses, appropriate open space, amenity and car and cycle parking standards are met and that the change of use is acceptable having regard to other policies in the plan.

Residential Amenity

The Edinburgh Design Guidance requires a minimum internal floorspace of 91 sqm for three-bedrooms or more with enhanced storage designed for growing families. Out of the four units proposed within the church building, only one unit falls below the minimum standard by 1 sqm and this is an acceptable minor infringement when weighed against the benefits of the entire scheme.

Daylighting

Daylighting to the existing church building is demonstrated in the submitted design and access statement. It shows that bedrooms on the first floor to the south west aspect of the building would be below the standards contained in the Edinburgh Design Guidance due to the height of the existing neighbouring tenement building. There is a requirement for direct skylight to penetrate halfway through a living space. However, direct skylight in this instance would only penetrate through one third of the rooms. This would result in one out of the proposed four bedrooms within each of the units being non-compliant. Given that the proposals relate to an historic church building with arched stone surrounds, increasing the size of the existing window openings would result in adverse harm to the character and appearance of the building. In addition, the conversion relates to an existing church building and there is a higher expectation that daylighting levels should be fully met in new build developments. As the infringement affects only one bedroom/living space in each of the proposed units, future occupiers will still benefit from higher levels of daylighting on the upper floor levels and on the south east section of the building. On balance, the infringement is minor when weighed against the overall benefits of the proposed conversion of a historic building and is acceptable. Future occupiers will still have reasonable levels of daylighting within the buildings.

Privacy

The Edinburgh Design Guidance advises that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The windows on the south west aspect of the existing building will face onto the neighbouring tenement building where it will have a privacy distance of 15 metres to the nearest windows and this is acceptable. The windows on the south east side of the existing building will have a distance between 5.7 metres to 14 metres against the south west elevation on the new build block. Despite the close proximity of housing unit one against the new build block, the existing windows on the building will not face directly onto opposing windows and this is acceptable. Future occupiers within the church conversion will have acceptable level of privacy.

Nearby Uses

The surrounding site is mainly residential with the Union Canal recreational activities nearby. Fountainbridge is an area of ongoing change with regenerative goals to bring mixed use developments to the area. The proposal is compatible with the character of nearby uses.

Open Space

Policy Hou 3 Private Green Space in Housing Development states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

The site plan shows pockets of grassed over areas to the sides of the church that would amount to more than 10 sqm for each of the proposed units within the setting of the church. However, despite this quantity, the space would not be of high amenity value in terms of privacy and its capacity to receive unobstructed sunlight due to the height of neighbouring buildings and trees. Consideration was given to reduce the footprint of the new build block in order to improve the amenity space. However, the applicant states that converting the existing church building will require significant investment to bring the building up to standard and the feasibility of the scheme is dependent on the new build block. The development height of the new block has already been reduced, resulting in a reduction in the proposed number of units and this is a relevant material consideration. While the amenity space will not be of high value, the site is walking distance to nearby amenities, including Fountain Park and is located adjacent to Union Canal which provides a number of recreational activities. Therefore, an exception to policy Hou 3 is justified in this instance.

Car and Cycle Parking

LPD Policies Tra 2- Tra 4 sets out the requirement for private car and cycle parking.

The scheme proposed is to be car free with the exception of one car parking space for service and maintenance only. The limited provision of car parking complies with the maximum standard as contained in the Edinburgh Design Guidance. In addition, the site is highly accessible to public transport and nearby amenities.

The Design and Access statement clarifies that given that each of the houses will have private gardens, this would allow for the storage of cycles. In addition, bicycles can also be stored internally within the new units.

Waste

The site plan shows the location of the proposed bin stores. Waste Services have confirmed that they would not be able to collect waste from the site given that the existing pend entrance is not large enough for the fleet vehicles to reverse down. In addition, the location of the existing church building means that any collection of waste would be beyond the recommended 10 metres pulling distance and would be uphill. The applicant has advised that the collection of waste from the site is to be privately managed in their capacity as social housing providers and this is acceptable.

In summary, the minor infringements relating to non-compliance with housing footprint, daylighting and quality of open space provision are minor as future occupiers will still have reasonable levels of living amenity. The conversion of the existing church to form four housing units is acceptable and broadly complies with LDP policy Hou 5.

c) Development Design and Conservation Area

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

Policies Des 1-Des 5 in the LDP sets out the design principles to ensure policy compliant schemes for new development proposals.

LDP Policy Env 6 (Conservation Areas- Development) also states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The character appraisal for Marchmont, Meadows and Bruntsfield conservation area emphasises that the area is characterised by tenemental housing, mostly in the Scots Baronial style.

The siting and layout of the existing church building is unusual in the context of its surroundings and access arrangement. Historic maps show that the existing six storey tenement block fronting Viewforth/ St Peter's Place was developed some time before 1892 with the pend access being formed in anticipation of further developments. By 1905, the church building was developed where the section of land to the east of the site has remained undeveloped and overgrown with a drop in the site levels which is accessed by a ramp.

The proposed new build block is to infill the undeveloped area of land with an 'F' plan form which will help to break down the proposed scale and massing of the development. The development height as revised, together with the flatness of the roof, will not overwhelmingly project above the height of neighbouring buildings or read as a dominating addition when viewing the site from the south side of the Union Canal. While flat roofs are not characteristic features of the conservation area, the site lies on the fringe of the conservation area and is close to Fountainbridge which is an area of on-going change with modern developments being constructed along the Union Canal.

The spatial pattern is mixed with tenement buildings and detached houses that have elongated gardens. The proposal will be set back from the Union Canal which is an important frontage and would be tucked behind the modern flats on Rope Walk where the proposed scale, form and design will not read as a contrived back-land addition to the townscape. The proposed development will benefit from being visually read in its own right due to its separation between different types and styles of nearby buildings. The proposal is for a high quality and contemporary block of flats, where it will utilise materials appropriate for its surroundings. In these circumstances, the proposed development design will not result in adverse harm to the character or appearance of the conservation area.

Policy Des 12 (Alterations and Extensions) in the LDP states that planning permission will be granted for alterations to existing buildings which are compatible with the character of the existing building.

Alterations to the existing church building are to open the existing bricked up window openings with new glazing and to install new doors within the existing altered openings. These works are acceptable. A number of rooflights are to be installed and a condition is required to ensure that the rooflights will sit flush within the roof. This is to safeguard the historic character of the building in this location.

The proposed alterations will enable the beneficial use of the building to be adapted which will result in conservation gains. The proposal complies with policy Des 12 in the LDP.

The site lies with the Fountainbridge area of the City Centre where proposal CC3 supports the implementation of the Fountainbridge Public Realm Strategy. The Fountainbridge Development Brief identifies a number of urban strategies for sites throughout the area. The site is shown in Figure 14 of the brief which identifies a requirement to deliver a pedestrian priority route through the site from Rope Walk to Viewforth/St Peter's Place in order to deliver active travel links. A sum of £15,000 for the cost of the land (verge between Rope walk and site), the design and the delivery of footway is required. The applicant has agreed to pay this sum and this will be secured via a legal agreement. This is to ensure that the proposal accords with policy Del 1 (Developer Contributions and Infrastructure Delivery), policy Des 2 (Co-ordinated Development in the LDP and the aims of CC3.

In summary, the proposal broadly complies with policies Des 1-5, 12 and Env 6. Subject to securing a sum towards a pedestrian link from Rope Walk, the proposal would accord with Del 1 in the LDP. The design and layout of the proposal is acceptable for the characteristics of the site.

d) Development Density

LDP Policy Hou 4 (Housing Density) of the LDP seeks to ensure that the density of a development is appropriate for a site by having regards to the character of the area, the need to safeguard living conditions within the development and accessibility to public transport.

Not including the conversion of the church building, the residential density of the new build block equates to 265 units/ ha. In comparison to its surroundings, the proposal is for a higher density of development due to the lack of adequate open/ private garden space provision. In addition, the proximity of the new build block to nearby trees has identified concerns that the proposal is for an overdevelopment of the site. However, it should be noted that the site currently has planning permission for student housing (application number, 15/04795/FUL) which does not expire until September 2021 and this is a relevant material consideration.

While the proposal is for a higher density of development, the visual amenity of the area will not be adversely affected and future occupiers within the development will still have reasonable levels of living amenity. In addition, the proposal is for a car free scheme where the site is highly accessible to public transport and nearby amenities. In these circumstances, the planning history and the overall benefits in providing social housing outweighs the infringements relating to the nearby trees and lack of open/private space provision.

While the proposals do not strictly comply with Hou 4 in the LDP, the overall benefits of the scheme render the infringement acceptable in this instance.

e) New build - Future Occupiers Amenity

LDP Policy Des 5 Development Design - Amenity of the LDP states that planning permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Floorspace

The Edinburgh Design Guidance requires a minimum internal floorspace of 36 sqm for a studio dwelling and 66 sqm for a two-bedroom dwelling. The proposal more than exceeds the minimum floorspace standard and this is acceptable.

Daylight

The submitted design and access statement demonstrates that daylighting levels will be met within the new build block and that future occupiers will have an acceptable level of living amenity in terms of daylighting.

Privacy

The proposed north west elevation on the new build block will have a privacy distance between 9 and 10 metres from the neighbouring block of flats on Rope Walk where direct views to opposing windows will be avoided and this acceptable. Future occupiers within the new build block will have reasonable levels of privacy and outlook.

Noise

The new build block would be surrounded by residential uses on all sides and is compatible with that use. Therefore, future occupiers will not be adversely affected in terms of noise.

Open space

Policy Hou 3 Private Green Space in Housing Development under criterion (a) states that in flatted or mixed housing/flatted developments where communal provision will be necessary, this will be based on a standard of 10 square metres per flat (excluding any units which are to be provided with private gardens). A minimum of 20% of total site area should be useable greenspace.

The site layout does not include private garden space for occupants of the new build block. While the layout includes landscaped areas of grass, this does not amount to 20% of the site being useable greenspace. The site plan shows the provision of four benches and whilst the proposals do not strictly comply with policy Hou 3, it would still provide future occupiers with outdoor seating within an attractive setting. In addition, it is not uncommon to find new build flats in the immediate area without useable garden greenspace due to the townscape characteristics and its accessibility to nearby amenities. Therefore, an exception to policy Hou 3 is justified in this instance.

In summary, future occupiers of the new build block will have reasonable levels of living amenity within the proposed development.

f) Neighbouring 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.

The existing neighbouring gardens at 96-100 Gilmore Place will be partially shaded by the proposed new build block from mid-day through to evening sunlight. The degree of overshadowing is small in comparison to the overall size of the affected gardens. In addition, the affected area is the most distant part of the garden from the houses. In these circumstances, neighbouring amenity will not be adversely affected in terms of overshadowing.

The new windows on the proposed south east and north east elevations of the new build will be capable of overlooking into the neighbouring gardens at 96-100 Gilmore Place due to the height of the development and its proximity to the boundary. However, the existing trees within the neighbouring gardens to some extent acts as a privacy barrier. In addition, the existing windows on the rear elevation of the tenement buildings on St Peter's Place is partially capable of overlooking into these affected gardens. Given these townscape/landscape characteristics, the degree of overlooking will not be adverse.

The windows on the new build will have a privacy distance between 9 and 10 metres from the neighbouring block of flats on Rope Walk which comprises a narrow strip of glazing. Neighbouring amenity will not be adversely affected in terms of privacy.

In summary, neighbouring amenity will not be adversely affected as a result of the new build block and the proposal broadly complies with LPD policy Des 5.

g) Road Safety and Parking Standards

LPD Policies Tra 2- Tra 4 sets out the requirement for private car and cycle parking.

As noted above, the proposal is for a car free scheme with the exception of one parking space being provided for service and maintenance only. The limited provision for car parking is welcomed, and the site is highly accessible to nearby public transport and amenities.

A provision of 2 cycle parking space for each of the flatted unit is to be provided and this complies with the standards.

The proposal is to utilise the existing pend access. Transport Planning were consulted on the proposals and raised no issues in respect to road safety.

The proposals comply with policies Tra 2- Tra 4.

h) Material Considerations

Affordable Housing

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.

The proposal is for 14 units and there is a requirement to provide 3.5 affordable units. However, the proposal is for mid-market rent where 100% of the homes are to be provided. This approach is welcomed by the Council's Housing Management and Development. Therefore, a legal agreement will be required to secure a minimum of 25% of onsite affordable housing. This is to accord with LDP policy Hou 6.

Trees and landscaping

LDP policy Env 12 Trees states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The proposal is to remove 5 category U trees within the site which are trees in poor condition. Due to the requirement to deliver the pedestrian link through the site from Rope Walk as identified in the Fountainbridge Development Brief, this will involve the removal of three large trees outside the application boundary where their size and shape make a visual contribution to the area. It should be noted that the trees located outside the application boundary are not part of the conservation area and are not protected.

Without reducing the footprint and siting of the new build, it would be difficult to achieve a meaningful tree replacement scheme on the site in order to offset the loss of the three trees. However, the lack of open space provision on the site has been addressed and the scheme has been amended to reduce the development height. It would be unreasonable to place a prohibitive requirement for replacement tree planting when there would be greater benefits in allowing the trees to be removed to deliver the pedestrian link from Rope Walk as envisioned in the Fountainbridge Development Brief and to provide the environmental benefits that 100% affordable housing would bring.

There are number of neighbouring trees that overhang the site. Concerns were raised that the proximity of the new build to the trees would not allow sufficient space for the trees to be developed without being cut back significantly. Due to the COVID-19 situation, the applicant provided photographic evidence to demonstrate that the overhanging trees had a history of being cut back. This information is accepted.

While the proposed layout will provide limited landscaping, open space or sufficient space for replacement tree planting, the planning history of the site, the requirements of Fountainbridge Development Brief and the condition of the neighbouring trees is a relevant material consideration that outweighs these concerns. In these circumstances, the infringement relating to policy Env 12 is acceptable.

Bats

LDP Policy Env 16 Species Protection seeks to protect species that are protected under European or UK law from the impacts of new development proposals.

A bat survey was submitted and identifies the presence of two non-breeding roost sites for soprano pipistrelle bats which were found within the existing church building. For any works to be carried out on the building, there is a requirement for a bat licence to be obtained from NatureScot. Given that the requirement to obtain a licence relates to a different statutory regime, an informative will be added to ensure that the necessary consents have been obtained.

Flood Issues

LDP Policy Env 21 Flood Protection seeks to ensure that new development proposals do not increase a flood risk or be at risk of flooding itself; impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management; or be prejudicial to existing or planned flood defence systems.

A flood risk assessment and a surface water management plan were submitted. Flood Planning were consulted and raise no issues.

The proposals comply with LDP policy Env 21.

Archaeology

LDP policy Env 9 (Development of Sites of Archaeological Significance) seeks to protect and enhance archaeological remains, where possible, to preserve them in situ in an appropriate setting.

The former St Kentigern's Church is regarded as being of local historic importance in its own right and also occurs within an area of industrial archaeological potential due to its location adjacent to the Union Canal.

Ground-breaking works associated with the proposal has the potential to disturb significant remains associated with the industrial use and development of the adjacent Union Canal. Therefore, a condition requiring a programme of archaeological works is required. This is to accord with policy Env 9 in the LDP.

i) Comments

No comments were received.

Conclusion

In conclusion, while the proposals do not strictly comply with a number of policies in the adopted Edinburgh Local Development Plan, the planning history of the site and the wider environmental benefits of the scheme are relevant considerations that outweigh the infringements. The scheme as amended, will not result in adverse harm to the visual amenity of the area and future occupiers will have reasonable levels of living amenity within the development in this location. The proposal will not result in unreasonable harm to neighbouring amenity. A legal agreement will be required to secure onsite affordable housing and to provide a sum towards providing a pedestrian link as identified in Fountainbridge Development Brief.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. Notwithstanding the approved drawings, the proposed rooflights on the church building as shown on drawing No. 08 shall be conservation types where they sit flush on the roof.
3. Notwithstanding the approved drawings, sample details of the materials for the new build block and surface treatment of the site shall be submitted to and approved in writing by the Planning Authority before commencing works on the site. The details, as approved shall be implemented in full before the first residential units on the site is occupied.

Reasons: -

1. In order to safeguard the interests of archaeological heritage.
2. To safeguard the historic character of the building.
3. 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. Permission should not be issued until the applicant has entered into a suitable legal agreement 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.

5. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

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.

6. No works connected with the disturbance of the two non-breeding roost sites for soprano pipistrelle, or other development works, as identified in the application, which may have an impact on a European protected species shall take place until a licence has been issued by NatureScot and a copy provided to the Planning Authority.
7. Due to the proposed felling of trees and vegetation, these are likely to host nesting birds. Clearance works should be undertaken outside of the nesting bird season (March - August). If this is not possible, a nesting bird check should be undertaken by suitably qualified ecologist prior to works commencing. Should it be necessary to clear ground during the bird nesting season, the land should be surveyed (no more than 48 hours prior to works) by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
8. Consideration should be given to including enhancements for biodiversity into the scheme e.g. swifts' bricks and pollinators species. This would be in keeping with the Edinburgh Biodiversity Action Plan 2019-2021

9.
 1. The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 2. The applicant will be required to contribute £15,000 for cost of land (verge between Rope walk and site), design and delivery of footway to connect Rope Walk to the proposed footway within site to ensure that active travel route from Rope Walk to Viewforth as envisaged in the Fountainbridge site brief is delivered;
 3. Proposed footway from site boundary adjacent Rope Walk to Viewforth is required to be built to adoptable standards to ensure public rights of passage (RCC is required);
 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), secure cycle parking, 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);
 6. 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;
 7. 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.

Note:

The Council's GIS of shows that there is a gap between site boundary and the private road (Rope Walk). Footway provision will require land acquisition (CPO).

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 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 February 2020 and no comments were received.

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 an urban area as designated in the adopted Edinburgh Local Development Plan and the Marchmont, Meadows and Bruntsfield Conservation Area.

Date registered

13 February 2020

Drawing numbers/Scheme

01-04, 05A, 06-08, 09A-13A, 14-17, 18A and 19.,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

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 Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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

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.

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.

Other Relevant policy guidance

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

The Fountainbridge Development Brief sets out planning and design principles intended to establish a comprehensive townscape and infrastructure framework for the Fountainbridge area.

Appendix 1

Application for Planning Permission 20/00490/FUL At St Kentigern's Church, St Peter's Place, Edinburgh Conversion of existing former church to 4 houses and construction of 10 new flats (as amended).

Consultations

Archaeology

The former St Kentigern's Church is regarded as being of local historic importance in its own right and also occurs within an area of industrial archaeological potential due to its location adjacent to the Union Canal. The Church was designed by John More and Dick Peddle and constructed next to the Union Canal in 1897 though it ceased to be a place of worship by 1941. Lying adjacent to the Union Canal, the north end of the site directly overlies the western end of the late-19th century rope walk which extended as far east as Leamington Road.

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 ENV 2 and 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.

It is to be welcomed that this application seeks to conserve and reuse this historically locally significant late-Victorian Church. However, there will be a moderate upon the fabric of this historic building which will require the undertaking of an archaeological historic building survey (annotated plans/elevations, photographic and written survey) linked to an appropriate level of documentary research prior to and during any alterations.

Similarly, ground breaking works associated with this development have the potential to disturb significant remains associated with the industrial use and development of the adjacent Union Canal. This will require the undertaking of a programme of archaeological works during all ground-breaking activities in order to fully record, excavate and analyse any significant surviving buried archaeological remains that may be disturbed by development, where protection in situ is not possible.

As this programme of archaeological works has yet to be undertaken, it is recommended that the following condition this application, to ensure that this programme of archaeological work is undertaken prior to/during construction.

'No alterations/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting) 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.

Affordable Housing

Housing Management and Development are the statutory consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

- Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.

- 25% of the total number of units proposed should be affordable housing.

-The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

Affordable Housing Provision

This application is for a development of 16 homes and as such the AHP will apply. There is an AHP requirement for a minimum of 25% (four) homes of approved affordable tenures.

The affordable homes are required to be a representative mix of the types being delivered across the site, tenure blind and fully compliant with latest building regulations. The design of affordable housing should be informed by guidance such as Housing for Varying Needs and other relevant design guides.

The site is close to the City Centre and Tollcross Town Centre with good access to regular public transport links. No car parking spaces will be provided as part of the development, but cycle parking will be available.

The applicant is LAR Housing Trust, an affordable housing provider who has recently delivered new affordable housing in the city. The applicant has stated their intention that all 16 (100%) of the new homes will be affordable housing and managed by themselves. There will be four houses (with four bedrooms) within a converted church building and 12 flatted apartments (a mix of studio, one bed and two bed units) in a new build block, offering a good mix of new affordable home types.

The applicant intends to deliver 16 affordable homes rather than the minimum AHP requirement of four. 100% of the homes on the site will be for mid-market rent. Although the Council normally aims to secure 70% of new onsite housing for social rent, LAR are not a registered social landlord. Mid-market rent homes are the Council's second priority in terms of affordable housing tenure types. The proposal will not require any grant

funding from the Council. The delivery of 16 homes for mid-market rent on this highly accessible site is welcomed.

Summary

The proposal that 100% of the homes (16 units) will be for mid-market rent and managed by the applicant is acceptable to Housing Management and Development. The proposal will deliver a good mix of new affordable homes in a highly accessible location, assisting in the delivery of a mixed sustainable community.

A minimum of 25% onsite affordable housing should be secured by a Section 75 Legal Agreement, as required by the city's Affordable Housing Policy. The agreement will ensure that the tenure type, mix and location of the affordable homes that will be delivered is agreed with the Council. The homes should be designed and built to the affordable housing provider's design standards and requirements. We would be happy to assist with any queries on the affordable housing requirement for this application.

Flood Planning

This application can proceed to determination, with no further comments from our department.

Waste Services

We could not offer the service required to carry the waste at this site as it is beyond a 10 metre pulling distance and uphill and also the entrance isn't large enough for our fleet vehicles to reverse down.

Transport Planning

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 £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- 2. The applicant will be required to contribute £15,000 for cost of land (verge between Rope walk and site), design and delivery of footway to connect Rope Walk to the proposed footway within site to ensure that active travel route from Rope Walk to Viewforth as envisaged in the Fountainbridge site brief is delivered;*
- 3. Proposed footway from site boundary adjacent Rope Walk to Viewforth is required to be built to adoptable standards to ensure public rights of passage (RCC is required);*
- 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), secure cycle parking, 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);*

6. 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;

7. 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

Note:

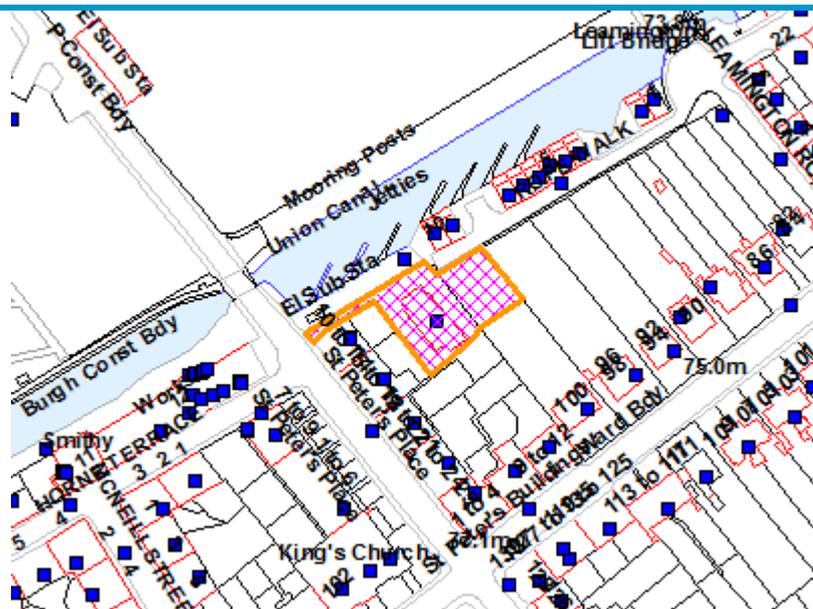
a) The Council's GIS of shows that there is a gap between site boundary and the private road (Rope Walk). Footway provision will require land acquisition (CPO).

b) The applicant proposes 1 car parking space and complies with the Council parking standards. Proposed car parking space is acceptable because the area has good public transport accessibility;

c) 12 secure cycle parking spaces being proposed complies with the Council's cycle parking standards for the proposed flats in Zone 1. Cycle parking will be provided within the curtilage of the building;

d) Refuse collection will be done from Viewforth.

Location Plan



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