

Development Management Sub Committee

report returning to Committee - Wednesday 27 January 2021

**Application for Planning Permission 19/05092/FUL
at 14 Ashley Place, Edinburgh, EH6 5PX.
Demolition of existing building and erection of 65 flatted
residential development with associated landscaping, car
and cycle parking; formation of pedestrian access from
Ashley Place and associated infrastructure.**

Item number

Report number

Wards

B12 - Leith Walk

Recommendations

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

Background information

The original application was for full planning permission to demolish the existing brick building with adjoining yard, and to replace it with residential development of 58 flats, open space and associated infrastructure.

It was presented to Committee on 18th March 2020 and was granted planning permission subject to the conclusion of a legal agreement. This legal agreement has not been concluded as the applicant has stated that this scheme is no longer viable. Therefore, amended planning proposals have been put forward and are now reported to Committee.

Main report

3.1 Description of the Proposal

This application seeks full planning permission to demolish the existing brick building with adjoining yard, and to replace it with residential development of 65 flats, open space and associated infrastructure.

There are three adjoining flatted blocks creating an 'L' shape fronting Ashley Place. Block A is part four storey part six storey block. The adjacent block B is six storeys high with flat roof. The top floor is set back from the roofline and includes roof terraces with metal balustrades at eaves height.

The 49 private flats comprise 11 one-bedroom flats of 53 sq.m in size; 29 two bedroom flats 66 sq.m - 67 sq.m in size. There are also nine three-bedroom flats which range from 82 sq.m to 97 sq.m in size. 19 of these flats will be dual aspect.

Sixteen units will be affordable. These are located in block A with a separate stair and external cycle storage. There are four one bedroomed flats of 52 sq.m in size. There are eight two-bedroom flats ranging in size from 66 sq.m to 83 sq.m in size. Eight of these flats will be dual aspect.

The proposed materials include a mix of light and dark grey facing brick, grey zinc cladding, a mix of aluminium faced timber windows to areas with cladding and UPVC windows to brick areas. The entrance canopy would be light grey concrete and the balustrades painted metal. Photovoltaic panels are included on the roof.

Private amenity space includes the rear courtyard garden area which will have a mix of hard and soft landscaping including a courtyard with seating and a sunken garden. This area will have gated access from Ashley Place and a substantial cycle store along one wall. The landscaping includes trees, hedges, climbing plants, groundcover planting and grass. The ground floor units have some private space including yew hedges.

Access to the site is from Ashley Place although pedestrians and cyclists can also link into the wider network via Tinto Place. The proposal includes 17 car parking spaces (26%), including one accessible space and three electric vehicle charging spaces, fronting onto Ashley Place. The 143 cycle parking spaces are provided, equating to 220%. For block A this is in an external store and comprises nine Sheffield stands and two-tier bike racks totalling 36 spaces. Block B has 107 spaces some utilising internal ground floor storage on two tier racks with two Sheffield stands and there is also an external store for Block B comprising two tier bike racks.

All bin stores are located in the ground floor of the buildings - one in block A and one in block B.

Scheme 1

The initial proposal was for a mix of mainly one and two bed units, and 48% single aspect units. It included 53% car parking provision which dominated the rear courtyard accessed by a pend. The proposal also included stair block access only, no private, front door entrances and front garden spaces.

Scheme 2

The previous proposal was for 58 residential units in three blocks with 14 affordable units including four one bedroomed flats, nine two bedroomed flats and one three bedroomed unit. The private flats comprise 16 one bedroomed flats; 19 two-bedroom flats and nine three bedroom flats.

Supporting Information

The following were submitted in support of the application:

- Revised Archaeology Report;
- Revised Daylight and Sunlight Assessment;
- Revised Design and Access Statement;
- Drainage and Flood Risk Assessment;
- Ecological Report;
- Geo-environmental Assessment;
- Noise Impact assessment;
- Revised Pre-Application Consultation (PAC) report;
- Revised Planning Statement;
- Site Investigation Report;
- Revised Sustainability Statement and
- Revised Transport Statement.

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the proposals are of an appropriate scale, form, and design;
- c) the proposals will result in an unreasonable level of neighbouring residential amenity;
- d) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- e) the proposals will have any traffic or road safety issues;
- f) affordable housing provision is acceptable;
- g) educational infrastructure provision will be sufficient;
- h) the proposal meets sustainability criteria;
- i) there are any other environmental impacts;
- j) any comments raised have been addressed and
- k) the existing planning permissions.

a) Principle

The Edinburgh Local Development Plan (LDP) identifies the application site as within the urban area where residential development is acceptable in principle provided proposals are compatible with other policies in this plan. LDP Policy Hou 5 also emphasises that proposals to change from other uses to residential should provide a satisfactory residential environment, be compatible with nearby uses and meet existing open space, amenity and parking standards, having regard to other local plan policies. LDP Policy Emp 9 also accepts the principle of employment sites and premises in the urban area being developed for other uses where such uses will not prejudice the activities of nearby employment uses and help to regenerate the wider area. For sites over one hectare, business floorspace should also be provided. This site area is less than one hectare and the proposal does contribute to a wider residential development of the area, which does not prejudice the nearby employment uses.

The Bonnington Development Brief (2008) also covers the site. The brief sought to establish an appropriate mix of uses that would ensure that the introduction of residential uses in this location would not compromise the operation of existing businesses at a time when there was general concern regarding the loss of employment uses in the city. The brief proposed a mix of residential and office use for Ashley Place. The change from business to residential was assessed in the previous planning application (14/05208/FUL) and planning permission granted for residential use. Therefore, the principle of residential use on this site is acceptable.

b) Design, scale, form, density and layout

Policies Des 1 to Des 9 of the LDP set out the policy framework for the design of developments to ensure that proposals integrate within the city and help to create a sense of place. Also relevant is the Bonnington Development Brief (2008) and the Edinburgh Design Guidance. The brief sought to ensure a predominant building form of tenemental scale buildings around 4-5 storeys high to protect city views and create an attractive street layout allowing pedestrian and cycle accessibility.

The surrounding area is being redeveloped and contains a range of flatted blocks in a variety of designs, heights and materials. The proposal continues Ashley Place as a street integrating with the new residential development nearby. This proposal does not compromise the effective development of neighbouring land and aligns with the aims of the development brief.

The scale of the building is substantial with a deep floor plate and curved 'L' shaped corner to the pedestrian and cycle link to Tinto Place. This design is an interesting addition which differentiates the building whilst integrating with the pattern of rectilinear perimeter blocks. The 'stepping up' from four to six storeys and setting back the top storey helps to reduce its mass. The elevational treatments include recessed Juliette balconies, and decorative brickwork at the main entrances. The elevation details and materials complement those of the existing flats nearby. A condition is recommended to secure materials of an appropriate quality.

Policy Des 7 (Layout Design) outlines the criteria to assess layout of proposals. The proposed 'L' shaped layout of the buildings provides a street frontage to Ashley Place, front garden area, and rear communal garden, replicating the tenemental form. The rear garden area is accessed by two paths from Ashley Place with gates providing some security, and the external bike sheds would be overlooked. There is already a cycle path along the opposite side of Ashley Place which is easily accessible.

The proposed flats are set back from the existing Ashley Place building line by 6 metres, allowing an enhanced streetscape, greater distances between flatted blocks, removing cars from one side of the street. The ground floor properties are set back from the street by hedging and provide overlooking to the paths and on-street car parking.

Whilst there are no longer individual main entrances to the flats semi-private threshold space is retained.

The perimeter block is extended along Ashley Place and it continues the tenemental form and therefore the proposed layout is acceptable.

Height

The general height of new development in this area varies between four and six storeys high. Policy Des 4 requires assessment of height in relation to the character of the wider townscape, and impact on existing views. There is an existing six storey flatted block on Ashley Place as well as the traditional four storey tenements. There is also the extant planning permission for a six storey office block on the site. The top floor is set back from the eaves which helps reduce the mass at roof level. The flatted roof is not traditional tenemental style but is found in nearby new buildings.

The Bonnington Development Brief envisaged tenemental scale buildings of around 4-5 storeys high. The surrounding area already includes buildings up to six storeys in height, therefore the proposal is not out of keeping with the surrounding area. The brief also wanted to ensure that any proposals did not impact on city views.

Policy Des 11 protects skyline and key views from adverse impact. A townscape assessment was undertaken which illustrated that Ashley Place site lies within the field of view of two key views - No. N8 and No. C1b. However, the proposed six storey height would not be visible in either view above existing rooflines and is acceptable. The proposed height is therefore acceptable.

Housing Density and Mix

Policy Hou 4 (Housing Density) seeks appropriate density of development having regard to the surrounding area, amenity for existing and new residents, and accessibility. The proposed density is 166 dwellings per hectare; an increase from the previous proposal which was 148 dwellings per hectare. However, the adjoining development proposal at Tinto Place provided a density of 143 dwellings per hectare and other modern developments such as Westfield (172 dph) and Lochrin Place (164 dph) as illustrated in the Edinburgh Design Guidance. The higher density mix of housing proposed provides a balance between the efficient use of land on this brownfield site and ensuring that an attractive residential environment is created which safeguards living conditions within the development.

Policy Hou 3 seeks adequate provision of green space to meet the future needs of residents. There is a communal rear garden which has total useable greenspace of 21.9% (less than the previous scheme of 26.7% due to additional bike sheds in the rear courtyard area) but still above the minimum of 20% of the total site area which complies with policy Hou 3 on private green spaces in housing developments.

The reconfiguration of the internal layout of the blocks results in the addition of seven units. The revised scheme provides an acceptable mix of one (15 units), two bedroomed (37 units) and three bedroomed flats (13 units) which is more two bedroom flats (+9 units), and family three bedroom flats (+ 3 units) and less one bedroom (-5 units). All the flats exceed the minimum internal floor areas as set out in the Edinburgh Design Guidance. The four three bedroom affordable housing flats are all 91 sq.m and two of the nine private three bedroom flats exceed this equating to 46% overall, exceeding the Edinburgh Design Guidance 20%. There is a minor infringement as not all three bedroom properties have direct access to private gardens or balconies. However, all the ground floor properties have some threshold space and top floor flats have private roof terraces.

The Edinburgh Design Guidance states that single aspect dwellings should not make up more than 50% of the overall dwelling numbers and developments should avoid single aspect dwellings that are north facing, exposed to noise sources, or contain three or more bedrooms. The number of single aspect dwellings has increased from 48% to 58%. The dwellings either face south east or north east, not due north. All the three bedroom flats are dual aspect. The affordable housing component of the scheme has 50% dual aspect including 50% of the two bedroom flats. However, there is a minor infringement in the guidance that there are 58% single aspect dwellings - eight single aspect affordable housing units and 30 private one and two bedroom flats. In terms of housing mix, this is a minor infringement which may be, on balance, acceptable provided that the amenity of the occupiers is satisfactory. The amenity of new residents will be assessed in terms of daylight and sunlight and noise issues as set out below in section (d).

c) Amenity for existing residents

LDP Policy Des 5 (Development design amenity) advises that planning permission will be granted for development where it is demonstrated amongst other things, that the amenity of neighbouring developments is not adversely affected in relation to noise, daylight, sunlight, privacy, and immediate outlook. Proposals should also consider adaptability, mixed use, active frontages and external spaces. The Edinburgh Design Guidance interprets these criteria and helps to clarify how to ensure reasonable amenity needs are balanced against achieving good townscape.

Daylight and Sunlight

Representations have been made concerning the development's impact on residential amenity. The application site is in close proximity to a number of residential properties. A detailed daylight, sunlight and privacy statement has been prepared by the applicant.

The detailed study tests residential windows facing onto Ashley Place. The study shows that daylighting to these windows will be reduced by the development. This is because of the building height and its proximity to the windows. Whilst there is a reduction of daylight to the neighbouring 113 windows, these windows still comply with the requirements of the Edinburgh Design Guidance either in terms of the Visual Sky Component or the Average Daylight Factor. The Edinburgh Design Guidance states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable. In the Bonnington area, buildings come close together, in some cases more than that proposed. The proposal increases the situation from the existing two storey building to a six storey building which is set back around 18 metres from the neighbouring building. Whilst there is a reduction in daylight these windows are still afforded enough daylight to comply with the Edinburgh Design Guidance.

The assessment of sunlight to existing garden spaces is required, including the existing Ashley Place courtyard garden, which is 32m away from the proposed development, and has existing six storey development surrounding it. The proposed development does not rise above the 45-degree line and therefore sunlight to this courtyard would not be affected. The sun shadow diagrams demonstrate that the proposed development does not have any impact on the sunlight to the two existing garden spaces.

Privacy and outlook

The Block A building is set back around 18 metres from the numbers 12-16 Ashley Place to provide acceptable privacy levels and immediate outlook commonly found on tenemental streets. The Ashley Place elevation of the proposal has been designed to reduce overlooking from the new development to the existing residential properties. This is acceptable.

Noise

The previous planning application (14/05208/FUL) was consented subject to conditions that did not relate to noise. An informative is attached, following Environmental Protection's suggestion, to highlight that no noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday, due to the close proximity of existing residential properties, which is enforceable under the Control of Pollution Act 1974. This would be enforced by Environmental Protection.

d) Amenity for future occupiers

LDP Policy Des 5 (Development design amenity) also requires future occupiers to have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Daylight and Sunlight

The assessment of the no skyline method as set out by BRE reveals that 8 ground floor windows fail the no-skyline test, however all surpass the minimum 25% glazing on the external wall. Of the four flats affected, two are dual aspect and would have reasonable daylight either from the rear which overlooks the shared garden area or in one case from windows fronting two sides of Ashley Place. The remaining two units - a one bedroom unit and a two bedroom unit are both single aspect. The two bed unit has two windows into the open plan living area however the one bedroom living area only has one window. Whilst all windows fail the no-skyline test, the floor to ceiling height has been increased for these ground floor flats and the percentage of glazing on the external wall is well above the minimum 25% (over 40%) and all these rooms are south facing. While this is not ideal, it is considered that this infringement of guidance is not significant enough to merit refusal of planning permission.

Over half of the courtyard space would receive sunlight for more than 3 hours as assessed by using hour by hour shadow plans for 21 March. The proposed landscaped courtyard to the rear therefore has sufficient sunlight in terms of the Edinburgh Design Guidance.

Privacy and outlook

The setting back of the blocks increases the distance between flats to reduce privacy. This improves the privacy for residents. The windows to ground floor flats that face the street and the courtyard all have a planted buffer in front of them to increase privacy and improve the outlook.

Noise

The surrounding area has seen the development of further residential properties whilst there are still some commercial uses neighbouring the site. The applicant has submitted a supporting noise impact assessment, which has concluded that no specific noise mitigation measures will be required.

It is considered that there would be sufficient amenity for new occupiers of the property and therefore, on balance, the proposals comply with policy Des 5 (Development Design - Amenity).

e) Transport impact

LDP Policies Tra 1 (Location of Major Travel Generating Developments) and Tra 8 (Provision of Transport Infrastructure) require development proposals to demonstrate through appropriate transport assessment and proposed mitigation in relation to its impact on the existing transport networks and accessibility of the site by modes other than the car. The application is supported by a Transport Assessment. The LDP Action Programme (February 2020) also sets out requirements to mitigate the impact of development. Contributions are required to be secured by legal agreement, in line with the LDP Action Programme and include:

- a. Contribute the sum of £3,445 to Henderson Street - Great Junction Street Junction Alterations;
- b. Contribute the sum of £3,991 to Bonnington Road - Great Junction Street Junction Improvement;
- c. Contribute the sum of £14,976 to Leith and City Centre (East) Cycle Route;
- d. Contribute the sum of £10,380 to The Water of Leith Path - Commercial Street to Warriston and
- e. Contribute the sum of £3, 140 to Jane Street / Tennant Street Active Travel Connections.

These contributions are all to be indexed as appropriate and the use period to be 10 years from date of payment. Contributions to progress traffic orders for footway or waiting/loading restrictions would also be required as necessary for the development.

Policy Des 7 (Layout Design) of the LDP seeks to enhance connectivity across sites. The proposal includes pedestrian and cycle accesses to the rear from the south and east. The property fronts onto Ashley Place and integrates with the existing pedestrian and cycle network to the south and east. The proposals also allow a potential future permeable east-west route through to Elizafield and Newhaven Road, depending on the redevelopment of the neighbouring area. The Action Programme contributions also improves the wider pedestrian and cycle network. This increases permeability and provides cohesion with the surrounding developments and complies with policy Des 7.

Parking

LDP Policies Tra 3 (Private Cycle Parking) and Tra 4 (Design of Off-Street Car and Cycle Parking) sets out design considerations for the design of off-street car parking and cycle parking. The car parking layout along eastern street frontage comprises 16 on-street spaces including 3 electric vehicle charging spaces and one disabled space. There is a significant level of unallocated car parking in the surrounding area, easy access to nearby car club vehicles, and existing car ownership of 68% in this area, therefore this level of provision is acceptable. The internal cycle storage at ground floor level and the external stores are safe, secure, convenient and accessible and provides for a total of 143 cycle spaces which complies with the Edinburgh Design Guidance and is acceptable under Policy Tra 3. Transport has also advocated the use of a travel pack which is included as an informative. The low level of car parking provision, high level of cycle parking will encourage transport modes other than the car. Therefore the proposal complies with policies Tra 3 and Tra 4.

f) Affordable Housing

Policy Hou 6 (Affordable Housing) requires a minimum of 25% affordable housing. The proposal includes 16 affordable units comprising four one bedroomed flats, eight two bedroom flats, and four three bedroomed units - an integrated and representative mix acceptable to Port of Leith Housing Association which are all to be for social rent. It is expected that these will be tenure blind. Enabling Partnerships has no objection to the proposals to deliver new onsite affordable housing, which will be secured by legal agreement. The Edinburgh Access Panel welcomed the inclusion of a wheelchair accessible unit.

g) Education Infrastructure

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires infrastructure provision where relevant and necessary to mitigate any negative additional impact commensurate to the scale of the proposed development. The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections, and amount of new housing development including within the urban area. This site falls within Sub-Area D1 of the 'Drummond Education Contribution Zone'. The impact of the proposal on identified education infrastructure actions and current delivery programme has been assessed. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

The proposal for 50 residential flats (15 one bedroom excluded) requires a total infrastructure of £42,800 or (£856 per unit) (indexed from Q4 2017, to the date of payment). It is considered that these are reasonable and necessary in relation to the scale of the development proposed. If the appropriate infrastructure contribution is provided by the developer, Communities and Families does not object to the application.

h) Sustainability

A sustainability statement has been submitted and complies with the Edinburgh Design Guidance. In summary, measures included the reuse of a brownfield site, higher density development as efficient use of urban land, passive gain with the orientation of living areas within the flats to face south/east, and landscaping of the open space to rear. The reduction in car parking to 27%, and the provision of 130 cycle parking spaces and three electric vehicle chargers (EVC) helps to reduce the carbon impact of proposals. Waste have no objection to the proposals for reduction, reuse and recycling of waste which complies with their standards. Further details will be submitted at building warrant stage to include further details on sustainable materials, recycled UPVC windows, dual flush WC's carbon reduction, the roof mounted photo voltaic panels.

i) Other environmental impacts

Archaeology

The site is within an area of archaeological significance due to its Victorian industrial heritage and its close proximity to Pilrig House built on the site of the 1559-60 siege fortification of Somerset's Battery. The ground-breaking works associated with both demolition and construction are likely to have a significant impact upon surviving buried remains. Accordingly, it is considered essential that a programme of archaeological excavation work is undertaken as part of the demolition process and prior to development in order to fully excavate, record and analysis any significant buried remains affected by ground breaking.

The City Archaeologist recommends that a programme of archaeological works is undertaken, in accordance with a written scheme of investigation to be approved by the planning authority, prior to development. Therefore, a condition is attached to achieve this.

Biodiversity

Policy Env 16 of the Edinburgh Local Development Plan protects against development that would have an adverse impact on species protected under European or UK law. The application site does not lie within, or contain, any sites or areas designated or recognised for their international or national ecological or ornithological value. In addition, the closest non-statutory site is the Water of Leith Local Nature Conservation site, which is located approximately 150m away, beyond the industrial area, to the north of the site. A preliminary roost assessment was undertaken on the vacant building. No evidence of bats nor features with the potential for roosting bats were found on site and the building was considered of negligible value to bats and poor for foraging bats too. However, should any bats or bat roosts be identified during the works, works must cease and an informative is put on to that effect. This is acceptable under policy Env 16.

Flooding

The applicant has submitted a surface water management plan, flood risk assessment plan, self certification and third party certification sheets as well as a SWMP checklist. Site specific soakaway testing and ground water monitoring has been carried out. A soakaway system is no longer considered viable. Proposals now are to discharge to the Water of Leith watercourse 140m north of the site, by connecting into the surface drain of the adjacent development currently under construction. Calculations are provided for the on-site attenuated solution put forward within the revised report. Also included is a network design check from the designer of the adjacent development to confirm suitability of the proposed connection to their network and subsequent discharge to the Water of Leith watercourse. Initial consultations have been had with CEC Flood Prevention, Scottish Water and the developer to give comfort of suitability. Private drainage is to be maintained by a factor via private residents. New lines from disconnecting manholes to existing network to be adopted by Scottish Water. Scottish Water has no objection to the proposed development. CEC Flood Prevention has assessed these revised proposals and confirm that they have no further comment to make on the proposed development.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection and therefore a condition is attached to ensure that contaminated land is fully addressed.

Local Air Quality

Environmental Protection note the reduction in car parking spaces in the revised proposals. The provision of electric vehicle charging points can be secured by condition to ensure that chargers of a minimum standard 7Kw (32amp) type two chargers shall be installed and operational prior to occupation of the development.

j) Material Representations

19 representations were received including, six objections, one neutral comment and 12 supporting comments.

Objections - Revised Scheme

Overlooking, overshadowing, loss of privacy, loss of daylight and sunlight to neighbouring properties, too close to neighbouring properties, detrimental impact on neighbours' amenity. This is addressed in section 3.3c.

Increase in units, too much development, too high density, lots of new building already, building position, height. This is addressed in section 3.3b.

Noise pollution will result - this is addressed in section 3.3c.

Transport issues - insufficient parking, congestion, construction distribution, Ashley Place capacity for vehicles, loss of public transport unsuitability of Ashley Place for more residential use. This is addressed in section 3.3e.

Air pollution, due to increase vehicle emissions, dust and vibrations. This is addressed in section 3.3i.

Lack of infrastructure to support the development, pressure on schools, health, waste and green space. This is addressed in section 3.3i.

Non- material issues

Structural damage or cosmetic damage during construction.

Neutral Comment

Building works to be undertaken during social hours. This is addressed in section 3.3c

Support

Increase in housing numbers supported, additional affordable housing to benefit local people and first time buyers addressed in section 3.3c.

Little variation to previous scheme- addressed in section 3.3c.

Principle of housing supported, removed industrial uses and will benefit local area - addressed in section 3.3a.

Good design better than neighbouring developments, modern and energy efficient - addressed in section 3.3b.

The Edinburgh Access Panel welcomed the provision of one unit of wheelchair accessible accommodation - addressed in section 3.3b.

The Leith Central Community Council (LCCC) did not object to these revised proposals however, they did object to the original scheme.

k) The existing planning permissions

The minded to grant planning permission (19/05092/FUL as presented to Committee on 18th March 2020) is a material consideration. The previous scheme (19/05092/FUL) was minded to grant subject to the conclusion of a legal agreement. This legal agreement has not yet been concluded and the applicant considers that scheme unviable. This revised proposal is a variation to scheme 19/05092/FUL.

Also relevant is the existing planning permission (04/00306/FUL) for this application site for office use which is extant and a material consideration in the assessment of the current proposal. The live planning permission for residential development (14/05208/FUL) is also a material consideration in the assessment of the current proposal.

Section 25 of the Town and Country Planning (Scotland) Act 1997 applies, "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." The question of how much weight should be attached to other material considerations lies with the decision-maker. This is important in relation to matters concerning principle as set out above and design as set out above. A significant degree of weight should be attached to these permissions given the "fall-back" position as they are live and implementable. A significant degree of weight should also be attached to the 'minded to grant' 19/05092/FUL. The principle of residential development on this site has been accepted before and there has been no significant change in terms of planning considerations including the development plan since the original consideration by Committee.

Conclusion

This revised application is broadly the same footprint and height as the previous scheme. The internal configuration has been altered with an additional bike store being relocated to the rear courtyard. There are now seven more units, two more affordable housing units, and a greater number of three bedroom units than the previous scheme. The mix of development is more balanced to meet the needs of family families for accommodation. However it does include 58% single aspect units whereas previously the scheme had 48% single aspect units. The space standards, all comply with the Edinburgh Design Guidance. However there is a minor infringement of the guidance in that not all three storey have their own private outdoor space. There are also two ground floor single aspect properties where the daylighting fails the no skyline test however, this is mitigated by increased floor to ceiling heights and increased glazing on the external wall.

The proposal complies with the Edinburgh Local Development Plan. The design and layout is acceptable and the higher density development provides an efficient use of this vacant brownfield site. The amenity of existing neighbouring properties will not be adversely affected and an acceptable amount of amenity will be afforded to future occupants. The proposed development will provide a satisfactory residential environment. The low level of car parking provision, high level of cycle parking will encourage sustainable transport. This application has been assessed against the Edinburgh Local Development Plan policies Del1, Des 2-8, Des11, Env 8-9, Env12, Env 16, Env 20-22, Emp 9, Hou 1-7 , Hou10, Tra 1-4, Tra 8-9. The Edinburgh LDP Action Programme, Edinburgh Design Guidance and Edinburgh Developer Contributions and Infrastructure and Bonnington Development Brief are also used to assess this application.

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

3.4 Conditions/reasons/informatives :-

Conditions: -

1. 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.

2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and SUDS landscaping and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
4. 'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis, publication) 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 commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.
6. The three residential parking space highlighted on drawing number 6D dated 19/10/2020 shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied. The cycle infrastructure and storage provision as submitted should also be implemented.

Reasons: -

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to safeguard the interests of archaeological heritage.
5. In order to enable the Head of Planning to consider this/these matter/s in detail.
6. To ensure that the level of electric vehicle charging points are installed and operational.

Informatives:-

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, affordable housing and transport has been concluded and signed. The legal agreement shall include the following:
 - a. Education - A financial contribution of £42,800 in total (or £856 per unit for the 50 units above one bedroom in size), is required to Communities and Families to alleviate accommodation pressures in the local area as identified by the LDP Action Programme and associated LDP policy Del1.
 - b. Affordable Housing - 25% of the total number of residential units shall be developed for affordable housing provision for social rent.
 - c. Transport - A contribution towards the LDP Action Programme for junction alterations including:
 - a. Contribute the sum of £3,445 to Henderson Street - Great Junction Street Junction Alterations;
 - b. Contribute the sum of £3,991 to Bonnington Road - Great Junction Street Junction Improvement;
 - c. Contribute the sum of £14,976 to Leith and City Centre (East) Cycle Route;
 - d. Contribute the sum of £10,380 to The Water of Leith Path - Commercial Street to Warriston;
 - e. Contribute the sum of £3, 140 to Jane Street / Tennant Street Active Travel Connections.

These contributions are all to be indexed as appropriate and the use period to be 10 years from date of payment. Contributions to progress traffic orders for footway or waiting/loading restrictions would also be required as necessary for the development.

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

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. No noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday. This is enforced under the Control of Pollution Act 1974.

6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal 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) and timetables for local public transport
7. The site has limited potential value for roosting, foraging and commuting bats and nesting birds. A preliminary roost assessment was undertaken on the vacant building as it is in the vicinity of the Water of Leith. No evidence of bats nor features with the potential for roosting bats were found on site and the building was considered of negligible value to bats and poor for foraging bats too. It is recommended that demolition falls outside of the bat summer roosting season (May - September inclusive) to avoid disturbing any bats that may be present inside the building. Should any bats or bat roosts be identified during the demolition or roof removal, works must cease immediately, and contact should be made with a licensed bat worker or Scottish Natural Heritage for advice on how to proceed.

Links

Policies and guidance for this application

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN08, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU06, LHOU07, LHOU10, LTRA01, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, NSGD02, NSG, DBBON,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PZVMYGEWGAU00>

Or Council Papers online

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PLACE

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