

Development Management Sub Committee

Wednesday 22 September 2021

**Application for Planning Permission 21/02715/FUL
at 96 Temple Park Crescent, Edinburgh, EH11 1HZ.
Demolition of existing commercial building with construction
of new 5 / 6 storey residential development comprising 46
dwellings (1, 2 and 3 bed apartments) with associated car
parking, landscaping and public realm; change of use from
commercial to residential.**

Item number

Report number

Wards

B10 - Morningside

Summary

The principle of residential development is acceptable, in compliance with LDP Policy Hou 1 and Emp 9. The proposal is of an appropriate density and will provide a suitable mix of flatted accommodation in accordance with policies Hou 2 and Hou 3.

The proposal is appropriate in design and in keeping with the character of the surrounding area. The proposal will provide good amenity to future occupiers and will have no adverse impact on neighbouring amenity, in accordance with the Edinburgh Local Development Plan design policies and the Edinburgh Design Guidance.

The proposal complies with HES's (Managing change in the Historic Environment - Setting) and will not impact upon the nearby scheduled monument and historic environment.

The proposal is sensitive to and preserves the natural environment of the site and canal, in line the development plan's policies to protect the environment.

The proposal will deliver a housing in a sustainable location that promotes sustainable modes of transport, in compliance with LDP Transport Policies Tra 2, 3 and 4.

Overall, the proposal complies with the Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	HES, HESSET, LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES10, LEN09, LEN12, LEN16, LEN15, LEN09, LEN22, LTRA02, LTRA03, LTRA04, LHOU06, LEN21, NSG, NSGD02,
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Report

Application for Planning Permission 21/02715/FUL at 96 Temple Park Crescent, Edinburgh, EH11 1HZ. Demolition of existing commercial building with construction of new 5 / 6 storey residential development comprising 46 dwellings (1, 2 and 3 bed apartments) with associated car parking, landscaping and public realm; change of use from commercial to residential.

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 a former garage warehouse located on Temple Park Crescent and measures 0.19 hectares.

The site is bound on both sides by four storey traditional tenements. North east of the site, Harden Place also consists of traditional four storey tenements from the 1900's along with a 20th century five storey infill.

To the east of the site across the street lies Polwarth Gardens which consists of primarily two storey low density housing dating from the 1940s.

The western and north western boundary of the site is formed by the Union Canal which is a scheduled monument. The sites boundary to the Union Canal is formed by an overgrown stone rubble and lime mortar wall.

Along the street frontage of Temple Park Crescent, there is an overlap between the site ownership boundary and a stretch of adopted footway. The north and south extents of this footway is currently incumbered by off street parking and garage access serving the existing premises.

The site is well connected for cycle and public transport links accessing a range of destinations are available with easy walking distance of the site. This includes rail services from Haymarket station (approximately 15 -minute walk) and regular bus services within a 5 - minute walk.

The site is located to the south-east of Merchiston local centre.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The proposal is for new residential development and associated landscaping and car parking.

A total of 46 residential flats are proposed, comprising for the following mix and size breakdown: -

- 19 x 1 Bedroom (52-56m²);
- 18 x 2 Bedroom (66-82m²);
- 8 x 3 Bedroom (93-109m²) and
- 1 x 3 Bedroom (150m²).

11 of the units are proposed to be delivered as affordable housing with the following mix:-

- 4 x one-bedroom homes and
- 7 x two-bedroom homes.

The 46 flats will be accommodated within an urban block. The proposed building is predominantly five storeys, rising to six stories at the termination of Temple Park Crescent.

The proposed building will be of a contemporary design, incorporating mansard roofs and gable projections. Living spaces have full height double windows with a sliding pane and steel balustrades to upper floors. Full height opening windows to bedrooms, with Juliette balconies at upper storeys, and sliding opening pane onto a large balcony on the upper floors. The balconies are a mix of cantilevered and recessed and balustrades are vertical aluminium railings.

A palette of red rustic brick and dark standing seam metal mansard roofs is proposed. Windows are proposed to be aluminium clad timber, finished to match the roof and mansard metalwork

The proposal includes comprehensive landscaping and amenity space on site, with waterfront landscaping and amenity space equating to approx. 475sqm, including a designated growing area.

Works are to be carried out to the boundary wall that runs alongside the canal. This will include de-vegetation of ivy and low category tree specimens alongside localised realigning and making good of the wall itself. A new independent balustrade will be installed to the rear of the wall.

To the south of the site the perimeter will be permeable to enable pedestrian, cyclist and vehicle access to the communal courtyard and shared gardens. This new, linear shared surface space along the southern boundary provides off street vehicle parking and access to bike and refuse stores, as well as step-free access to the gardens. This space is entered and exited by vehicles past electric gates via the existing junction with Polwarth Place at the south of the site.

The development will have 7 off street parking spaces along with 102 secure cycle spaces. Integrated cycle storage will be proposed within the building, and space provided for two on-street car-club spaces to the front of the building.

Communal cores are accessed from entrance pavilions and private gardens and terraces are provided to ground floor apartments around the perimeter of the building.

The proposal seeks to reinstate an active residential frontage with defensible landscape buffers and a 2m footway. Privacy planting has been extended to all ground floor apartments and communal entrances. Low garden walls are proposed to complement adjacent tenement boundary treatments.

The proposed landscaping and surface water treatment designs utilise an integrated system of filter trenches and porous paving.

Amended Scheme

The proposal was amended to increase the number of affordable housing provision to 11 no. dwellings. Furthermore, revised plans were submitted to show the inclusion of bird and bat boxes, and the inclusion of a green roof to the scheme.

Supporting Documents

The application is supported by the following documents available to view on the Council's Planning and Building Standards Public Access Portal:

- Design and Access Statement;
- Affordable Housing Statement;
- Surface Water and Drainage Plan and Checklist;
- A1 Self Certification;
- Sustainability Statement;
- Daylight Analysis Statement;
- Otter Survey;
- Preliminary Bat Roost Assessment;
- Preliminary Habitat Survey and Protected Species;
- Tree Preliminary Bat Roost Assessment and
- Tree Survey Report.

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;
- b) the proposal will impact upon the setting of a scheduled monument and historical significance;
- c) the proposal is acceptable in scale and design;
- d) the proposal will achieve a good level of residential amenity for future occupiers and will adversely affect neighbouring amenity;
- e) the proposal is acceptable in terms of road safety and parking provision;
- f) any impact upon local infrastructure as a result of the proposed development can be mitigated;
- g) the proposal delivers adequate affordable housing provision;
- h) any adverse impacts upon air quality can be mitigated;
- i) the proposal will increase flood risk;
- j) the proposal will impact upon existing trees on site;
- k) the proposal will adversely affect any protected species on site;
- l) the proposal meets sustainability standards;
- m) any comments received in public representations have been addressed.

a) Principle

The development plan identifies the site as being within the urban area where residential development would be acceptable, in principle, subject to compliance with other specific policies and non-statutory guidelines.

LDP Policy Hou 1 'Housing Development' d) prioritises the delivery of housing on sites identified in the LDP. This policy is intended to apply to all suitable sites in the urban area, provided proposals are compatible with other policies in the Plan.

The proposed development will contribute towards meeting Edinburgh's housing need on a brownfield site. The site is surrounded by established residential uses and is well connected by existing public transport links, bus and rail links all within the locality. The site is therefore an appropriate and sustainable location for housing.

Accordingly, the principle of residential use is acceptable at this location.

Policy Hou 2 (Housing Mix) is applicable to the proposed development and requires provision of a mix of house types and sizes, to meet a range of housing needs. The Edinburgh Design Guidance recommends that 20% of the total units should have three or more bedrooms.

In this instance, 20% are proposed as 3- bedroom properties, in accordance with the Edinburgh Design Guidance. As such, the proposed mix will deliver a mixed development and complies with Hou 2.

LDP Policy Hou 4 (Housing Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area.

The proposed development will be 46 flats on a site area of 1,949m² equates to about 236 dwellings per hectare, which is in line with the adjacent connecting tenement on Temple Park Crescent.

Overall, the density is appropriate in this location, as it provides an efficient use of the site and supports the regeneration of previously developed land and is compatible with the surrounding residential densities.

Policy Emp 9 Employment Sites and Premises states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted subject to the following relevant criteria:

- a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use.
- b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area

In this instance the change of use to residential has been established and proposal is consistent with this use of the surrounding area. There are no nearby employment uses which will be prejudiced or prohibited by the proposed residential use, in accordance with Criterion a).

The proposed re-development of the site for use other than employment is therefore acceptable in this instance.

Policy Conclusion

Overall, the application proposes a residential development in the urban area, in compliance with LDP Policy Hou 1 and Emp 9. The development's density and proposed mix of accommodation is appropriate for the area, in compliance with LDP Hou 2 and Hou 4.

b) Impact on the Scheduled Monument and Historic Environment

Scheduled Monument

Historic Environment Scotland's guidance on Managing Change sets out the principles that apply and how it should inform planning policies. HES's document (Managing change in the Historic Environment - Setting) states that 'setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

The site lies adjacent to the southern bank of the Union Canal, a Scheduled Monument, constructed during the early 1820's. Prior to this the site formed part of the designed landscape surrounding North Merchiston House.

The monument includes the entire stretch of canal in water together with the banks on either side, the towing path running along the north side, all distance markers and kicking stones. In addition, the monument includes an area to either side of the canal in which traces of activities associated with its construction.

Historic Environment Scotland (HES) has commented that the proposal is likely to have both direct impacts and setting impacts upon the Union Canal.

In terms of direct impacts, the proposed development includes vegetation clearance and repointing of the boundary wall of the Union Canal on the south-east side as it runs behind the proposed development area, and the installation of a SUDS drainage outlet into the Union Canal, to be formalised by the construction of a new outlet headwall. These works form part of a separate application for Scheduled Monument Consent under consideration by HES.

In terms of Setting, HES note that the proposed development would change the setting of the canal, including the loss of trees and more intensive development of the site, but comment that this is not considered to be inconsistent with the urban character of this stretch of canal. The canal would still be readable as a historic monument within the landscape.

As such, the proposals do not raise historic environment issues of national significance and therefore HES do not object to the development.

Given the above, the proposal is in compliance with HES's document (Managing change in the Historic Environment - Setting) and the proposed development will not adversely impact the surroundings of a historic asset. The proposed development would preserve a sense of continuity within adjacent residential structures in the area, and the materials would be largely matched to existing structures in the area.

Archaeological Implications

The site has been identified as an area of archaeological potential. However, given the Urban nature of this section of the Canal the impacts upon its setting are not thought to be of significance.

In order to comply with LDP Policy Env 9 (Development of Sites of Archaeological Significance) it is recommended that a programme of archaeological work is carried out in order to fully excavate, record any significant archaeological remains and analyse and publish the results of this work.

Overall, the proposal will not have an impact upon the scheduled monument or historical environment, in compliance with HES guidance and LDP Policy Env 9.

c) Design, Scale, Layout and Materials

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The Edinburgh Design Guidance (EDG) sets out key aims for new development to have a positive impact to the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings and site materials and detailing.

Layout

The proposal is appropriate response to the site, providing an urban block that continues the tenemental line, with landscaped with private and communal green space and well-defined, active street frontage provided which reflects the character of the area.

The layout creates a high-quality edge to the canal, through the orientation of the new building.

Whilst car parking is proposed at ground level. The vehicular access is incorporated in a way which does not detract from the street scene.

The form and layout are appropriate in the context of the urban site, respecting the established street pattern and being sensitive to the canal adjacent location. The proposal accords with LDP Policy Des 7 Layout Design.

Height

The building heights range from 5 to 6 storeys being guided by the adjacent tenements.

The greatest height difference is at the southern corner to help articulate and give definition at the termination of the street frontage. At its northern end, the building matches the height and profile of 90-95 Temple Park Crescent, stepping up along its length in a series of deliberate moves towards Polwarth Place where the building turns the corner with a subtle increase in height. The roof line and recessed top storey of this corner element responds more sensitively to the increase in height of the Polwarth Place tenement.

These heights are appropriate to this context, taking reference from the adjacent neighbouring properties, including eaves and ridge lines. The top floor is setback and the use of contrast and dark materials to articulate the floor further emphasises the set back and reduces the visual appearance and dominance of the elevation.

The proposal lies in a number of key views but given that the height of the building approximately matches the neighbouring tenement, there will be no impact on any of the protected features in these views. The setting of the development within contextual views of the local area has been assessed as part of the design development process which identified four key viewpoints. The wider area around the site primarily consists of late 19/20th Century developments with a range of styles, scales and roofscapes. Distant views of the site are typically blocked by existing buildings apart from where elevated views are afforded from the South West across Harrison Park on Ogilvie Terrace.

Local photomontage view, including views along the canal approach and from Harrison Park confirm the proposal will not be intrusive upon the street scene or locality.

Overall, the proposed height is acceptable in the context of the site. The development is appropriate, providing variation and interest without being visually dominant.

Design and materials

The area contains a mixture of buildings, including commercial buildings of various styles and ages, and residential tenements.

The proposed design is based on the overall concept of repairing the tenement street front and draws upon positive characteristics of the existing tenements including a continuation of front gardens, front doors, and a defined street frontage to replace the warehouse.

The proposed façade articulation follows a similar contextual language of the adjacent tenement. The design of the eastern section of the proposed building is sympathetic to the character and appearance of the adjacent tenement building along Temple Park Crescent in both scale and elevational treatment.

The proposed mansard roof matches the roof line and angle of the adjoining tenement at both the front and rear elevations. The articulation of the roofscape, its set-back level and contemporary dormers is a positive addition to the street, and the design and form create a unified and consistent architectural approach across the site.

The tall narrow windows are consistent with the contemporary design and provide good levels of daylight to the properties.

In terms of materiality, the tenements on Polwarth Place and Temple Park Crescent contrast one another in their use of stone in colour, texture and façade articulation. Although stone is the predominant material within the immediate and wider context, brick provides a complementary tone and texture for its setting. The profile of the stone along Temple Park Crescent is smaller and akin to the profile of brick and has a reddish hue whilst the tenements along Polwarth Place use larger format stone that is buff in tone. A range of materials are seen here including varying colours of painted brickwork and render with pitched slate roofs.

The use of brick as the predominant material is supported in this location. The fenestration alignment and brick detailing provide a cohesive vertical articulation. The dark grey windows introduce a modern contrast to the overall design of the elevations and relate well to the slate roofs.

A condition is recommended for material samples to be provided.

Overall, the proposed material palette is appropriate for residential development and is in keeping with the material palette already established in the area, preserving its appearance and character.

Waterside Development and Landscaping

LDP Policy Des 10 (Waterside Development) supports development that maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valley.

The proposal includes various works that will enhance the water's edge, including works to upgrade the existing wall, and creating an attractive edge lined with new native planting that will form an attractive edge to the resident's green space and provide access to the canal.

Overall, the proposed height, scale, and massing of the proposals, along with the contemporary materials palette and fenestration pattern is therefore compatible with its surrounds, in compliance with policies Des 1, Des 4, Des 10 and Section 2 of the Edinburgh Design Guidance (Designing places: buildings). The proposal is sensitive to its canal setting and incorporates improvements to the water's edge through its overall landscaping design.

d) Amenity

Creation of a Satisfactory Living Environment

Policy Des 5 (Design- Amenity) states that development will be permitted where future occupiers have acceptable levels of amenity.

Edinburgh Design Guidance sets out size requirements for new dwellings. In this instance, the proposed units will all meet the minimum floorspace requirements of the Edinburgh Design Guidance. Apartments have large, full height windows to all habitable rooms, with the majority of properties enjoying dual aspect views to maximise internal daylight and amenity within the development.

Policy Hou (3 Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development. This policy requires a minimum of 20% of the total site area as useable greenspace and aims to ensure flats without a private garden have at least 10sqm of communal green space.

The site includes approximately 475sqm of shared amenity space, equating to 24% of the overall 0.19 ha site area and an average of 10.3sqm per flat.

All 7 ground floor apartments have a private terrace or defensible frontage and a further 24 upper floor apartments have private balconies or terraces. This equates to 31 dwellings (69%) with access to private outdoor amenity space in addition to the shared amenity gardens.

The site is also located close to multiple areas of good quality publicly accessible open space, including Harrison Park, which includes a number of sporting facilities and play areas.

In terms of sunlight to the outdoor space, the shared amenity space fronting onto the Union Canal will receive 3+ hours direct sunlight along its entire length between 2pm and 5pm on March 21st (Spring Equinox). This complies with policy by which more than 50% of the proposed area must receive at least 2 hours.

Secure, communal refuse stores are located in close proximity to shared entrances. These have been designed in accordance with the Edinburgh Design Guidance and have been sized to contain the required range of bins for waste and recycling.

One of the stores can be accessed directly for collection from the parking courtyard to the south of the site plan. The other store is located on Temple Park Crescent and can be accessed for collection from the road. All bin stores have level access with dropped kerbs to the pull paths for collection. The proposal does not raise any issues in respect of waste collection in compliance with LDP Policy Des 5.

Overall, the proposed development would create a good living environment for its future occupants, in compliance with LDP policies Des 5 and Hou 3.

Neighbouring Amenity

Criterion a) of LDP policy Des 5 (Development Design - Amenity), requires that the amenity of occupiers will not be materially harmed by the effects on privacy, daylight, sunlight or immediate outlook.

In terms of the impact of the development on sunlight or daylight, analysis was submitted in support of the proposal.

In terms of sunlight, the proposed building heights are largely in line with the adjacent tenements and therefore create a continuation of the established street shadowing condition along Temple Park Crescent. The building break at the southern boundary retains and improves direct sunlight onto the street through the mid to late afternoon. Given the building will exceed the single storey height of its predecessor, there will be a reduction in sunlight as a result of development on the site. This increase is accepted in this instance and will not be detrimental to neighbouring amenity.

In terms of daylight, the daylight modelling has tested the Visible Sky Component for the nearby properties potentially impacted, which measures the amount of sky visible from a window. Edinburgh Design Guidance requires that a window meets a minimum of 27% VSC, or achieve a minimum factor of 0.8 of its former value.

Where a VSC reduction factor has been found to extend beyond this limit, further Average Daylight Factor (ADF) analysis has been carried out. The analysis confirmed that the ADF values exceed the EDG requirements and therefore demonstrate compliance with Policy Des 5a.

Overall, daylight to all existing neighbouring residential buildings complies with the Edinburgh Design Guidance requirements via the Vertical Sky Component (VSC) method or the Average Daylight Factor (ADF) method and therefore there will be no significant loss of daylight, in compliance with Edinburgh Design Guidance and accordance with LDP Policy Des 5.

Given the positioning and distances to existing windows, the proposal does not raise any issues with regards to neighbouring privacy.

Overall, the proposal will not be to the detriment of neighbouring residential amenity. The proposal will achieve a good level of occupier amenity, in terms of access to daylight, onsite amenity space and access to local open space.

The proposal therefore accords with LDP Policy Des 5, Hou 3 and the Edinburgh Design Guidance.

e) Road and Pedestrian Safety

LDP Policy Tra 2 relates to car parking provision and takes into consideration the accessibility of the site to public transport stops on routes well served by public transport, to shops, schools, centres of employment, cycle and public transport. Developers are encouraged to pursue lower levels of parking.

The development will have seven off-street parking spaces all of which will be equipped with electric vehicle charging infrastructure. Two on-street 'Car Club' spaces are proposed to the front of the building. This provision complies with Council's parking standards.

The proposed development is therefore in accordance with LDP Policy Tra 2 and Edinburgh Design Guidance.

LDP Policy Tra 3 (Private Cycle Parking) relates to the cycle parking. The proposed development will provide 102 secure cycle spaces, (96 of which are secure covered). This has been accepted by the Roads Authority and complies with LDP Policy Tra 3.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) is applicable to the proposed development. Whilst the proposed car parking will be at surface level, the level of provision, along with its design and location to the side of the proposed building will ensure it will not impact on the active frontage to the public street or amenity areas or public realm. The proposed development is therefore in accordance with this policy.

The Roads Authority was consulted on the proposal and raise no objection to the proposal.

Overall, the development complies with LDP Policies Tra 2, Tra 3 and Tra 4.

f) Developer Contributions

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development.

This site falls within Sub-Area BJ-2 of the 'Boroughmuir James Gillespie's Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The proposed development is therefore required to make a contribution towards the delivery of these actions equating to £19,521.00. This is based on 27 Flats as the 19 one bedroom / studio flats are excluded.

A Section 75 Legal Agreement will be required to secure the above contributions. On the proviso that a legal agreement is concluded to secure the necessary mitigation, the proposal is in compliance with LDP Policy Del 1.

g) Affordable Housing

LDP Policy Hou 6 (Affordable Housing) states that planning permission for residential development consisting of 12 units or more should include provision for affordable housing amounting to 25% percent of the total number of units.

This application is for a development consisting of up to 46 homes and as such is required to provide a minimum of 25%, equating to 9 homes of approved affordable tenures.

The applicant entered into dialogue with the Council on the design, mix and location(s) of the affordable housing, and identification of the Registered Social Landlords (RSL) so that an integrated and representative mix of affordable housing can be delivered on site.

Initial proposals made by the applicant involved the provision of 9 affordable housing units delivered by an RSL and options for the additional affordable housing, including intermediate rent and commuted sum. Through further discussion with the applicant and the RSL, the applicant has now agreed that 11 affordable homes will be provided onsite, and owned and managed by an RSL.

The affordable housing will comprise the following mix:-

- 4 x one-bedroom homes
- 7 x two-bedroom homes.

Whilst this mix does not include any three-bedroom flatted apartments, the option was explored within the constraints of the affordable housing being delivered within a contained block for management and insurance purposes. Options for a three- bed property on the ground floor and on fifth floor were considered however, a higher number of onsite affordable homes could be delivered by the RSL by having two or more homes on each floor within the block. This proposed mix is therefore supported by the RSL and the Council's Housing Service.

Overall, the proposal meets the required level of affordable housing contribution on site and is in compliance with LDP Policy Hou 6.

A Section 75 legal agreement will be prepared and concluded to secure this provision.

h) Air and Soil Quality

LDP Policy Env 22 aims to ensure that no development will result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise the adverse impacts. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the local development plan.

The site has good access to public transport and is well placed to support cycling and walking. The proposal has prioritised active travel over car use and included cycle parking which provides safe, secure spaces for a range of bikes, meeting the recommendations of the Edinburgh Design Guidance.

The development also includes low and zero carbon technologies (air source heat pumps) and does not include gas as an energy source, both of which are supported by Environmental Protection.

A condition is recommended to ensure the site is investigated to relation to potential contamination as a result of existing uses on the site.

Overall, the proposal complies with Policy Env 22.

i) Flood Risk and Surface Water Management

Policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems.

The applicant has submitted Flood Risk information and a Surface Water Management Plan.

It is proposed to provide areas of green roof, equating to 135m², to provide further attenuation in combination with the below ground attenuation proposed.

Proposed SUDs arrangements involve an underground storage solution. Options to deliver this above ground were considered but deemed not deliverable without impacting upon useable amenity space on site. Given the constrained brownfield site, the proposed underground solution is acceptable. The applicant submitted detail on the long- term maintenance of the SUDs which will be organised by the appointed property factor at the responsibility of the property owners.

The Council's Flood Prevention Team is satisfied that the mitigation proposed is acceptable. The proposal has been designed to mitigate the potential flood risk and accords with LDP Policy Env 21.

j) Trees

LDP Policy Env 12 (Trees) ensures the protection of trees.

Thirteen existing trees located on the canal embankment along the boundary of the site are proposed to be removed, none of these trees are subject to Tree Preservation Orders, nor are they located within the Conservation Area.

A Tree Survey was submitted as part of the application package which confirmed the existing trees are poor quality Category C and U specimens sitting both inside and outside the boundary wall line.

It is proposed that all trees which are embedded on top of the wall within the site boundary (category U) are to be removed to ensure the long- term structural stability of the boundary wall which is to be repaired/ rebuilt, remove poor/ inappropriate tree growth and to open up and enhance the canal bank with more appropriate landscaping.

The category C trees outwith the boundary wall on the canal embankment are proposed to be removed following agreement with Scottish Canals who own the land in conjunction with the submission of an SMC application to HES. The self- seeded specimens are of poor quality and have a limited life expectancy.

The landscape proposals seek to mitigate for the loss of existing tree planting along the canal by proposing a number of new trees throughout the communal garden. 14no proposed trees + 9no specimen shrubs and new native shrub planting is also proposed along the existing canal embankment.

Overall, the loss of the existing trees is acceptable because their retention would prejudice the redevelopment of the site and the LDP development principles do not seek to safeguard these trees. Alternative planting proposed is appropriate.

k) Protected Species

The Union Canal is a Local Nature Conservation Site. LDP Env 15 (Site of Local Importance) seeks to ensure that development will not have adverse impact upon flora, fauna or landscape of a local nature conservation site, and ensure any adverse effects have been minimised.

Furthermore, LDP Policy Env 16 (Species Protection) aims to ensure development will not be to the detriment to the maintenance of a protected species and suitable mitigation is proposed.

Preliminary habitat statements, including bats roosts and otters, were submitted in support of the application. This considers any likely impacts on protected species. Prior to removal of mature trees, these should be inspected closely for evidence of use by bats to enable mitigation proposals to be prepared should there be likely loss of roost opportunities.

Revised plans were submitted to show the inclusion of bird and bat boxes, and the addition of a green roof. The proposed green roof has been located at the top level of the building away from resident areas to encourage bio-diversity.

The further shrub and herbaceous planting will soften the canal frontage, increasing biodiversity and improving the local habitat.

Overall, the proposal has been designed to preserve the ecological habitats present along the canal edge, and the site, and complies with LDP Policy Env 16 Species Protection.

l) Sustainability

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

The proposal will create a sustainable residential development, with sustainable transport modes prioritised. The development also includes low and zero carbon technologies (air source heat pumps) and does not include gas as an energy source.

Overall , the proposal accords with the aims of Policy Des 6.

m) Public Comments

Twenty letters of objections were received from the public which raised the following material considerations: -

- Loss of Trees. This matter is addressed in Section 3.3j;
- Nature Conservation. This matter is addressed in Section 3.3k;
- Bats. This matter is addressed in Section 3.3k;
- Density. This matter is addressed in Section 3.3c;
- Height. This matter is addressed in Section 3.3c;
- Design and Materials. This matter is addressed in Section 3.3c;
- Privacy. This matter is addressed in Section 3.3d;
- Traffic Congestion and Road Safety. This matter is addressed in Section 3.3e;
- Parking. This matter is addressed in Section 3.3e;
- Daylight. This matter is addressed in Section 3.3d;

Non-material considerations

- Request for use of site as playpark. Not relevant to the proposal.
- Disturbance caused by construction noise. Not controlled by Planning Legislation.
- Loss of energy insulation due to adjoining development. Not controlled by Planning Legislation.
- Loss of financial income due to development and loss of property value. Not a material consideration in the assessment of a planning application.
- Condition of existing road. Not controlled by Planning Legislation.

Letters of Support

One letter was received in support of the proposal which included no further comments.

Conclusion

The principle of residential development is acceptable, in compliance with LDP Policy Hou 1 and Emp 9. The proposal is of an appropriate density and will provide a suitable mix of flatted accommodation in accordance with policies Hou 2 and Hou 3.

The proposal is appropriate in design and in keeping with the character of the surrounding area. The proposal will provide good amenity to future occupiers and will have no adverse impact on neighbouring amenity, in accordance with the Edinburgh Local Development Plan design policies and the Edinburgh Design Guidance.

The proposal complies with HES's (Managing change in the Historic Environment - Setting) and will not impact upon the nearby scheduled monument and historic environment.

The proposal is sensitive to and preserves the natural environment of the site and canal, in line with the development plan's policies to protect the environment.

The proposal will deliver a housing in a sustainable location that promotes sustainable modes of transport, in compliance with LDP Transport Policies Tra 2, 3 and 4.

Overall, the proposal complies with the Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. 1. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

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

3. Prior to commencement of work, 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. Thereafter sample panels of the materials are to be erected and maintained on site as agreed by the Council.
4. Prior to commencement of development, full details of planting, surface and maintenance of the proposed green roof shall be submitted for approval in writing to the Planning Authority.
5. Prior to the commencement of development a Landscape Management Plan should be submitted for approval by the planning authority.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In the interest of public safety.
2. In order to safeguard the interests of archaeological heritage.
3. In order to enable the Head of Planning to consider this/these matter/s in detail.
4. In order to enable the Head of Planning to consider this/these matter/s in detail.
5. To ensure landscape proposals are implemented and maintained accordingly.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

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. Developer Contributions Informative

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 all of those matters identified in the proposed Heads of Terms. -

These matters are:

A total of 11 units are proposed for Affordable Housing units, equating to 25% in accordance with LDP Policy Hou 6 'Affordable Housing' with the following breakdown:-

- 4 x one-bedroom homes
- 7 x two-bedroom homes.

The affordable homes should be designed and built to the RSL design standards.

The affordable housing will be identical in appearance to the market housing units "tenure blind".

This site falls within Sub-Area BJ-2 of the 'Boroughmuir James Gillespie's Education Contribution Zone'.

The applicant is required to make a contribution towards based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone, equating to £19,521.00.

All infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

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. Roads Authority Informatives

The applicant will be required to:

- a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - b. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of 2 car club vehicles in the area(Temple Park Crescent);
2. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
 3. Continuous footway/raised crossing is required for the access leading to the proposed car park

4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision 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 the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property 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 D - 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 take 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 disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

6. Environmental Protection Informative

The 7 electric vehicle parking spaces (as shown on drawing in the design and access statement (Part 8) and dated 17/05/2021 on CEC planning portal) shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets.

They should be installed and operational in full prior to the development being occupied.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

There have been 21 letters of representation received in relation to the proposal. 20 in objection and 1 letter in support of the development.

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**

Adopted Edinburgh Local Development Plan.

Date registered

17 May 2021

Drawing numbers/Scheme

01A- 16A, 17-19,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer

E-mail:sonia.macdonald@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

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 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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

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

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

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

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

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.

Appendix 1

**Application for Planning Permission 21/02715/FUL
At 96 Temple Park Crescent, Edinburgh, EH11 1HZ
Demolition of existing commercial building with
construction of new 5 / 6 storey residential development
comprising 46 dwellings (1, 2 and 3 bed apartments) with
associated car parking, landscaping and public realm;
change of use from commercial to residential.**

Consultations

Environmental Protection response

Environmental Protection has no objections to the proposed development.

The application proposes a flatted development for 46 new residential properties. Residential properties are situated to the south, south-east, north and north east. The Union Canal bounds the site to the west.

The site has good access to public transport and is excellently placed to support cycling and walking. In this regard the applicant has prioritised active travel over car use and included cycle parking which provides safe, secure spaces for a range of bikes, meeting the recommendations of the Edinburgh Design Guidance. The development will have 7 off street parking spaces all of which will be equipped with electric vehicle charging infrastructure. Two on-street Car Club spaces and 103 secure cycle spaces will also be provided in full compliance with CEC's guidance.

The development also includes low and zero carbon technologies (air source heat pumps) and does not include gas as an energy source, both of which are supported by Environmental Protection.

The existing uses on site may have contaminated the land and so the site should be investigated and made safe for the proposed end use. A condition is recommended below in this regard.

Therefore, Environmental Protection offers no objection to the application subject the following conditions:

1. *Prior to the commencement of construction works on site:*

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

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

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

2. The 7 electric vehicle parking spaces (as shown on drawing in the design and access statement (Part 8) and dated 17/05/2021 on CEC planning portal) shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.

Roads Authority Issues

The application should be continued.

Reasons:

I. The applicant should consider zero car parking provision or at least replace 3 of the seven car parking spaces on the west side with soft landscape to reduce excessive hardstanding as required by Edinburgh Design Guidance. The proposed development is close to the city centre with high public transport accessibility and therefore zero to lower car parking provision is recommended;

II. Continuous raised crossing is required for the access junction leading to the proposed car park.

Should you be minded to grant the application the following should be added as conditions or informatives;

1. The applicant will be required to:

a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

b. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of 2 car club vehicles in the area(Temple Park Crescent);

2. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision 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;

4. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking

permit per property 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 D - New Build);

5. 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;

6. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Note

a) The applicant proposes a total of 102 cycle spaces (96 secure covered spaces plus 6 visitor spaces) and considered acceptable. The minimum cycle parking requirement is 103 spaces.

Updated Roads Response

No objection subject to the following being included as informatives or conditions as appropriate;

1. The applicant will be required to:
 - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - b. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of 2 car club vehicles in the area(Temple Park Crescent);
2. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
3. Continuous footway/raised crossing is required for the access leading to the proposed car park
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision a Welcome Pack, a highquality 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 the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property 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 D - 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 take 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 disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Note

a) The applicant should consider zero car parking provision or better design with soft landscape to reduce excessive hardstanding as required by Edinburgh Design Guidance (LDP Policy Des 1- Design Quality and Context). The proposed development is close to the city centre with high public transport accessibility and therefore zero car parking provision is recommended. Disabled parking could be catered for on-street;

b) The applicant proposes a total of 102 cycle spaces (96 secure covered spaces plus 6 visitor spaces) and considered acceptable. The minimum cycle parking requirement is 103 spaces.

Archaeology response

The site lies adjacent to the southern bank of the Union Canal, a scheduled Ancient Monument, constructed during the early 1820's. Prior to this the site formed part of the designed landscape surrounding North Merchiston House. Kirkwood's 1817 map of the area depicts the site overlying part of a large Pond forming part of this 18th century landscape as well as the proposed line of the Union Canal, located to the south of its current location. The estate seems to have been formed around 1725 when it was bought by the renowned architect and developer William Adam.

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

The new proposals location on the southern bank of the Scheduled Union Canal will have an impact upon both the setting and fabric of this scheduled monument. However, given the Urban nature of this section of the Canal the impacts upon its setting are not thought to be of significance. Similarly, given the development history impacts to the historic fabric of this scheduled monument are not thought to be significant. However, the views of HES must be sought.

As mentioned above the site overlies the site of a large Pond forming part of the landscape and Temple Park associated with William Adam's North Merchiston House. Given this and its location adjacent to the Union Canal it is recommended that a programme of archaeological work is carried out in order to fully excavate, record any significant archaeological remains and analyse and publish the results of this work.

It is recommended therefore that a condition be applied to any permission granted to secure this programme of archaeological works based upon the following CEC condition;

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

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Historic Environment Scotland response

We understand the proposals to be for the construction of a multi-storey residential development at 96 Temple Park Crescent, Edinburgh, adjacent to the Union Canal. This development would take place on the site of an existing commercial building, and would be constructed to match the existing roofline of extant buildings on Temple Park Crescent.

The Union Canal, Fountainbridge to River Almond, comprises that stretch of the inland waterway 9.6 miles (15km) long, forming part of the Union Canal falling within the boundary of the former county of Midlothian. The stretch of waterway runs from the site of the former Lochrin Basin (on the east) to (on the west) the west end of Lin's Mill Aqueduct over the River Almond. The monument includes the entire stretch of canal in water together with the banks on either side, the towing path running along the north

side, all distance markers and kicking stones. In addition, the monument includes an area to either side of the canal in which traces of activities associated with its construction and use may survive, giving an overall width of from 25m to 55m.

The proposed development at 96 Temple Park Crescent would have both direct impacts and setting impacts upon the Union Canal.

Direct Impacts - The proposed development includes vegetation clearance and repointing of the boundary wall of the Union Canal on the south-east side as it runs behind the proposed development area, and the installation of a SUDS drainage outlet into the Union Canal, to be formalised by the construction of a new outlet headwall. These works require scheduled monument consent (SMC) from ourselves, and we note that we have undertaken pre-application discussions with the applicant and have received a valid SMC application which is now under consideration. If SMC is granted then these works will be able to proceed.

Setting Impacts - The proposed development would change to the setting of the canal, including the loss of trees and more intensive development of the site, but this is not considered to be inconsistent with the urban character of this stretch of canal. The canal would still be readable as a historic monument within the landscape, and thus we do not think that these setting impacts raise issues of national significance. We note that the continuation of the existing roofline into the shape of the proposed development would preserve a sense of continuity within adjacent residential structures in the area, and that materials would be largely matched to existing structures in the area.

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

Flood Prevention response

This application can proceed to determination, with no further comments from Flood Prevention.

Communities+Families response

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The

infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

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

Assessment and Contribution Requirements

Assessment based on:

27 Flats (19 one bedroom / studio flats excluded)

This site falls within Sub-Area BJ-2 of the 'Boroughmuir James Gillespie's Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

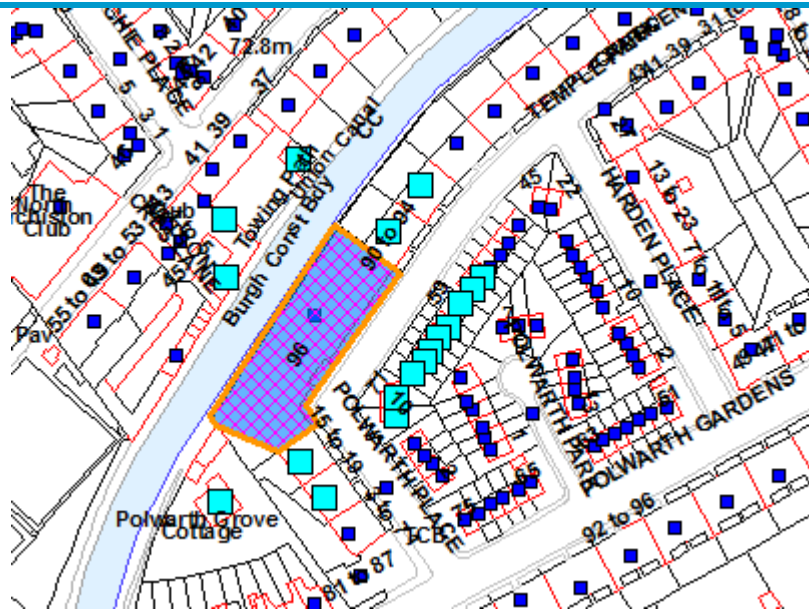
The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required: £19,521

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Location Plan



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