

Development Management Sub Committee

Wednesday 2 March 2022

**Application for Planning Permission 21/06429/FUL
at land opposite, 21 - 24 Joppa Terrace, Edinburgh.
Erection of dwelling with landscaping, boundary treatment
and parking, formation of two community gardens.**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The proposal is contrary to the development plan. There is therefore a presumption against granting planning permission.

It is of an inappropriate design, the scale, form and position will have a detrimental impact on the setting of the conservation area and spatial character of the area.

It will result in loss of open space that is of amenity value and will have a harmful impact on the quality and character of the local environment. The proposal is also contrary to the Scottish Planning Principles of sustainable development.

There is potential benefit in a contribution to the housing land supply through re-use of brownfield land for a dwelling and provision of community gardens.

However, these benefits do not outweigh the adverse impact on the quality and character of the local environment.

There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LDES06, LEN06, LEN09, LEN12, LEN16, LEN18, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGD02, CRPPOR, SPP,

Report

Application for Planning Permission 21/06429/FUL at land opposite, 21 - 24 Joppa Terrace, Edinburgh. Erection of dwelling with landscaping, boundary treatment and parking, formation of two community gardens.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The proposal site is a large area of land approximately 2,959 square metres in total located on the south side of Joppa Terrace. The site consists primarily of a large expanse of vegetated greenspace including a number of trees, shrubbery and grass.

To the west lies Station House, a building formerly associated with Joppa Train Station, an electricity sub-station and a residential dwelling currently under construction to replace a house formerly used as a driving test centre.

A long, narrow, sloping vegetated strip of land separates the vehicular entrance leading to the Station House from Brunstane Road which sits at a higher ground level than the proposal site.

The site borders the north-eastern railway line to the south, separated by close boarded metal fencing.

To the north, the site faces onto traditional terraced properties of a uniform, scale, form and design.

The wider area is primarily residential in character with a range of property types evident. Large semi-detached villa properties set within generous grounds are located to the far north and east. Two-storey flatted dwellings sit in proximity to the site on Joppa Grove and Morton Street. Higher density traditional terraced properties are located to the south on Brunstane Road and Brunstane Gardens.

Quarry Park is located near the proposal site on the southern side of the railway line.

The site is located mainly adjacent to the Portobello Conservation Area which is on the north side of Joppa Terrace.

A narrow, triangular piece of land to the north-west of the wider site between Brunstane Road and Joppa Terrace is located within the Conservation area.

2.2 Site History

The application site has the following relevant planning history:

16 March 2020 - Planning permission in principle refused for the erection of a storey and a half dwelling house for reasons that the proposal was contrary to the Edinburgh Local Development Plan as it would involve loss of open space without justification and have an adverse impact on the spatial character of the area (application reference: 20/00127/PPP).

12 November 2020 - Planning application withdrawn for the erection of a new dwelling house (application reference: 20/04071/FUL).

1 November 2021 - Planning permission refused at committee for the subdivision of garden to form house plot and erection of detached dwelling including landscaping, boundary treatment, parking and formation of community garden for reasons that the proposal was contrary to the Edinburgh Local Development Plan as it would be contrary to Env 6, Des 1, Des 4 and Env 18 (as amended) (application reference: 21/03730/FUL)

Adjacent site history:

31 March 2014 - Application granted for a Certificate of Lawfulness to formalise current use of a former DVLA driving test centre as a residential dwelling house at 2A Joppa Terrace (application reference: 14/00739/CLE)

8 August 2014 - Redevelop existing house with new two storey detached dwelling at 2A Joppa Terrace (application reference: 14/03189/FUL)

Main report

3.1 Description of the Proposal

The planning application is for the erection of a dwelling with landscaping, boundary treatments, parking and formation of two community gardens.

The proposed dwelling is the same as that proposed under the previous planning application 21/03730/FUL.

It is a narrow, triangular shaped building in plan with a maximum height of 7.5 metres, maximum width of 8.8 metres and length of approximately 40 metres. The proposed materials include a stainless-steel roof, reclaimed red brick walls, larch/fir framing and timber cladding to the front porch and detailing. Large, contemporary glazed openings would face the north side of the site onto the existing landscaping and street.

The property contains an internal floor space of 143 square metres in total including three bedrooms, two bathrooms and a shower room on the ground floor. The living/dining/kitchen room faces onto Joppa Terrace separated by the existing greenspace. The upper floor includes storage space. Cycle provision is included internally, near the entrance into the proposed dwelling at the eastern end of the site.

The footprint of the new dwelling is 189 square metres.

The private garden is located to the north of the site where additional planting is proposed.

A vehicular access will be formed from Joppa Terrace at the east boundary of the site. This will provide access to one car parking space.

New wooden fencing will border the north boundary of the site.

Two community gardens are proposed. One of these would be located on a narrow, triangular piece of land to the north-west between Brunstane Road and Joppa Terrace as per previous application 21/03730/FUL.

The second garden would be located to the east side of the site. In total these spaces cover 210 square metres.

Supporting Information

- Design Report
- Preliminary Ecological Appraisal
- Mineral Stability Risk Assessment
- Noise and Vibration Impact Assessment
- Planning Statement
- Tree Survey

3.2 Determining Issues

Due to the proposed development falling partly within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

3.3 Assessment

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

- a) The proposal will preserve the setting of the conservation area;
- b) The proposal is acceptable in principle;
- c) The proposal will result in loss of open space;
- d) The proposal is of an acceptable scale, form and design;
- e) The proposal has tree or ecological impacts;
- f) The proposal will result in acceptable impacts on amenity;
- g) The proposal will have transport impacts;
- h) Other matters have been addressed;
- i) Material issues raised in representations have been addressed.

a) Character and Appearance of Conservation Area

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

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

LDP policy Env 6 (Conservation Area -Development) states that development within a conservation area or affecting its setting will be permitted which:

- a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;
- b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and
- c) demonstrates high standards of design and utilises materials appropriate to the historic environment.

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high-quality architecture, and the predominant use of traditional building materials.

The proposal site lies mainly adjacent to the Portobello Conservation Area located on the northern side of Joppa Terrace. The immediate character of the conservation area comprises two storey traditional terraced properties of a uniform design. These properties primarily look out onto a natural landscaped setting on the southern side of the road. This space lies out with the conservation area but occupies a visible location from it and provides an attractive setting along the street frontage that contributes positively to the immediate character of the area.

The dwelling would result in substantive loss of this natural landscape. Whilst it is proposed that existing trees fronting the dwelling would be retained, there is concern that the overall footprint of the structure and its proximity to the street edge would detract from this open landscaped setting. As a result, the building despite being of an innovative modern design, would have an adverse impact on the setting of the conservation area by eroding its present sense of openness. The visibility of the building and its level of screening would also be more visible in the autumn/winter seasons.

The proposal introduces a dwelling that would result in encroachment on an existing open landscaped space that contributes positively to the character of the conservation area.

The scheme includes provision for two community gardens. The applicant has stated discussions have taken place with a community group in regard to use of the proposed garden to the north-west. In addition, that the second garden to the east of the site would accommodate level access for future users.

These spaces currently appear as natural landscape providing continuity with the green buffer along Joppa Terrace. In this regard, they make an existing contribution to the landscaped setting of the conservation area.

The potential public benefit in their community use is recognised. However, this benefit does not outweigh the resultant harm on the setting of the conservation area through substantive loss of this landscaped strip by constructing the new dwelling.

Limited detail has been submitted on plans in regard to the community gardens. Should the proposal have been acceptable on all other aspects, further detail would have been sought.

In light of the above, the proposal in scale, form and location would a detrimental impact on the setting of the conservation area therefore is contrary to LDP policy Env 6.

b) Principle of the Proposal

The proposal site is located in the urban area as designated in the Edinburgh Local Development Plan (LDP). Supporting paragraph 15 of the LDP refers to promoting reuse of previously developed land and reliance on windfall sites to contribute to meeting the city's housing requirement.

Further, the Scottish Planning Policy (SPP) refers to spatial strategies within development plans promoting a sustainable pattern of development appropriate to the area. Paragraph 40 refers to considering re-use or re-development of brownfield land before new development takes place on greenfield sites as a policy principle to guide decisions.

LDP strategy directs new housing to sites which best meet a range of assessment criteria including landscape impact, green belt boundaries, accessibility to public transport and infrastructure capacity.

Paragraph 221 of the LDP refers to the city's need for more housing to provide for an increasing population.

The objectives of LDP housing policies are to meet the requirement for additional housing in Edinburgh whilst protecting environmental quality in housing areas, promote sustainable, better balanced communities and ensure provision is made for necessary community facilities.

LDP Policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria (a-d) on where this can be achieved.

Criteria d) prioritises the delivery of housing on other suitable sites in the urban area in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d), proposals must be compatible with other policies in the plan.

The proposal site is in part brownfield land as identified within the submitted planning statement. The land where the dwelling is proposed being previously occupied by a railway platform and adjacent to associated infrastructure removed following the station's closure in 1964. The site has subsequently been in use for allotments and latterly subsumed garden space.

The site is located adjacent to existing residential development and is served by Lothian and East Coast bus services on Joppa Road and Milton Road East to the north and south. These services are accessible via existing public footways around the residential estate that link to these main roads. Milton Road East is connected via a public footpath from Brunstane Road or via the rail bridge onto South Morton Street east of the site. Joppa Road is accessible via footways from Joppa Terrace onto Morton Street or Brunstane Road. In addition, the site is an approximate 10 minute walk to Brunstane Railway station which provides access into the city centre.

The proposal has the potential to contribute to a requirement in the LDP for additional housing within the city on a small scale. Further, re-use of previously developed land is promoted, and it is recognised the proposal is partly located on brownfield land.

The site is located in proximity to sustainable modes of transport and there is established residential development in the surrounding area.

In light of the above, the site is therefore a suitable location for new housing, subject to compliance with all other relevant policies. These are outlined below.

c) Open Space

LDP Policy Env 18 - Open Space, states that proposals involving the loss of open space will not be permitted unless certain criteria are met.

Open space is defined in the LDP as 'greenspace' and 'civic space' consisting of squares, market places and other paved or hard landscaped areas with a civic function. Greenspace is defined in the LDP as any vegetated land or structure, water or geological feature in the urban area including playing fields, grassed areas, trees, woodlands and paths.

The policy aims to protect all open spaces, both public and privately owned that contribute to the amenity of their surroundings and the city, provide or are capable of providing for the recreational needs of residents and visitors or are an integral part of the city's landscape and townscape character. It sets out the following criteria for compliance:

Proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) there will be no significant impact on the quality or character of the local environment;
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area;
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value and either
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or
- e) the development is for a community purpose and the benefits to the local community outweigh the loss.

The Council's Open Space Audit identifies all larger areas of open space. This does not preclude other areas of open space, of lesser scale for example, that contribute in amenity terms to their surroundings and the city, being assessed against policy Env 18.

The applicant has submitted a supporting statement that refers to use of LDP policy Env 18 - Open Space for development in garden ground.

The statement refers to planning application 21/01786/FUL at 2 Mortonhall Park Terrace for a new dwelling house where use of LDP policy Env 18 was applied as one reason for refusal. This application was refused at committee and the appeal has now been dismissed.

The appeal was not dismissed on grounds of Env 18. However, the reporter referred to the Council's definition of greenspace detailed above as suggesting scope for the policy being applied to areas not specifically designated as open space under the LDP.

The statement also refers to the council's decision differing to a previous Local Review Body (LRB) decision on the site. Planning application 18/01678/FUL, for a new dwelling on garden ground was refused at delegated level partly on grounds of LDP policy Env 18. The decision was upheld by the LRB but not on the basis of the scheme being contrary to this policy.

Whilst these applications are noted each proposal is assessed on its own individual merits having regard to site characteristics, relevant policy and guidance.

In regard to this proposal site, use of policy Env 18 has been applied as part of the refusal of a new dwelling in principle under planning application 20/00127/PPP. More recently, planning application 21/03730/FUL for a new dwelling and associated works was refused at committee partly on grounds of this policy.

The planning statement for this proposal refers to the proposed development as forming part of the garden at Station House and that the previous decision on the site incorrectly implies that the development would result in loss of usable open/amenity space. It is recognised that the site is partly brownfield land, as the location of the dwelling is to be located on land that was formerly a railway platform. However, since the railway closure the statement refers to the land as being in use for allotment space and latterly part of the garden of Station House. Therefore, whilst the use of the land has varied over time, it has been established as an area of greenspace for a number of years following the railway station closure.

In its present condition, it is an area of open space that forms part of a well-established landscaped strip. It consists of vegetated land with trees, shrubbery and grass. The site is currently overgrown and presently is of limited potential use for people. However, it makes a positive contribution to the quality and character of the area by enhancing its landscape value. It creates a natural, green buffer between residential dwellings on Joppa Terrace and the train track to the south.

The space therefore has greenspace value in the wider context and it is applicable to assess the loss of this area against the criteria of LDP Policy Env 18 - Open Space Protection.

The proposed development will result in significant encroachment of this open space with approximately 189 square metres of land being developed. Reducing and enclosing this open space by the footprint of the proposed dwelling will have a detrimental impact on the open character of the local environment. The site, as part of a clearly defined landscaped strip, forms an important part of the immediate character.

The plans propose two community gardens to the north-west and east of the site covering 210 square metres in total.

The potential benefit of use of this land for these purposes is recognised. However, the proposed dwelling house is not for a community purpose and its level of encroachment upon the quality and character of the local environment is not outweighed by potential use of this land for community gardens.

The proposal therefore does not meet the requirements of Policy Env 18.

d) Scale, form, design and neighbourhood character

LDP Policy Des 1 - Design Quality and Context, states development will be granted for development that contributes towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area.

Supporting paragraph 151 states the purpose of the policy is to encourage innovation in design and layout, provided the existing quality and character of immediate and wider environment are respected and enhanced.

LDP Policy Des 4 - Development Design - Impact on Setting, states permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, character of the wider townscape and landscape including, height and form, scale and proportions, position, materials and detailing.

The area is primarily characterised by 2 storey terraced residential dwelling houses, on the north side and the south side is mainly landscaped space.

It is recognised that there is existing built form on the south side of Joppa Terrace, which is on the west side of the proposal site and adjacent land fronting this road. There is an existing sub-station near the street edge and Joppa Station House which has been extended located near the train station track. In addition, a new two-storey residential property is under construction granted approval under application ref: 14/03189/FUL.

The buildings in situ here, Joppa Station House and the sub-station are long-established on-site whilst the new residential property under construction is to replace an existing dwelling; formerly a driving test centre. As a grouping these buildings occupy a visible location from Joppa Terrace and are located on the same side of the street as the proposed dwelling. However, this built form is located to the western end of the street and beyond this towards the junction with Joppa Gardens is continuous green space. There is a distinction here between the nature of the land on Joppa Terrace, the immediate built form of terraced properties to the north and open, landscaped, green space to the south which forms a defined spatial character to the immediate area.

The submitted planning statement refers to the extensive gardens of Station House to the east and south of the substation having gradually been reinstated as such by the current owners. It is recognised this area covers a large proportion of the land along Joppa Terrace. However, regardless of its current use for domestic purposes this land as open greenspace with trees and shrubbery still provides continuity in its appearance with this overall open, landscaped character.

This proposal would alter and disrupt the established character of the area. It is recognised the proposal is if an innovative modern design, in terms of its form and use of reclaimed materials. However, the scale, form and layout proposed fails to respect the established built form of the street in terms of density, positioning and layout. The proposed dwelling would be incongruous within the setting of the street and disrupt the established spatial character of the area.

Overall this would have a detrimental impact on the appearance and character of the area and therefore the impact on the spatial character is unacceptable in this instance. The proposal is therefore contrary to LDP Policies Des 1 and Des 4.

e) Trees and Ecology

LDP Policy Env 12 - (Trees), states development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree or woodland worthy of retention. Where permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

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. European Protected Species found in the Edinburgh area are bats, otters and great crested newts.

Existing trees and shrubs on the southern side of the site will be removed to accommodate the proposed development. Whilst the majority of these specimens are modestly scaled as a grouping they contribute to the landscaped character of the south side of the street. The loss of these features is acceptable however, subject to adequate mitigation.

A planting scheme is proposed, including a number of native species to the eastern side of the site and the supporting statement has indicated there is scope for additional replacement planting across the wider site.

An Ecological Appraisal was undertaken and submitted as part of the application. This report states the site is in an overgrown condition with good quality structural planting on the northern edge. The study states that no evidence was found of protected species within the site. There is the potential for the site and adjacent habitat to support roosting bats. However, no evidence was found of bat activity and no additional surveys or license from Nature Scot are recommended.

There is the potential for hazards to species during construction activity. Should the proposal have been acceptable an informative would have been recommended for checks of certain species to be undertaken on site by a suitably qualified ecologist, in order to minimise ecological impacts from the proposal.

In light of the above, the submission of a fully detailed landscaping plan by condition could adequately mitigate the loss of trees proposed for removal on-site.

The proposal would have no adverse effect on European, UK or locally designated sites in accordance with LDP Policy Env 16 - Species Protection.

f) Amenity

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that neighbouring amenity of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. It further requires new development to offer suitable level of amenity to future residents.

The Edinburgh Design Guidance requires a minimum internal floor area of 81 metres squared for properties with three bedrooms. Three bedrooms or more with enhanced storage designed for growing families should have an internal floor area of 91 metres squared.

LDP Policy Hou 3 (Private Green Space in Housing Development) seeks to ensure adequate provision of green space will be provided to meet the needs of future residents.

Amenity of Future Occupiers

In terms of daylight, the properties will achieve satisfactory levels by virtue of the scale of glazed openings on the north elevations facing the street.

These windows are adequately spaced from all neighbouring properties and gardens that will ensure an acceptable level of outlook will be achieved from these openings.

The three-bedroom dwelling will have internal floor area of 143 square metres. The floor areas exceeds the space standards of the Edinburgh Design Guidance.

The private greenspace will be located to the north of the building and comprise grass, shrubbery and trees. The size of this garden space will provide adequate amenity space for future occupiers in accordance with LDP policy Hou 3.

Joppa Quarry Park is also located nearby to the south of the site.

A Noise and Vibration Impact Assessment (NIA) has been undertaken to assess the potential impact from operations of the adjacent railway on the amenity of future occupiers.

The NIA identifies measures to address potential noise nuisance from the adjacent railway including glazing details and attenuator specifications and a noise barrier to comply with the relevant standards for internal and external amenity space.

Environmental Protection has been consulted on the proposal and have no objection subject to inclusion of mitigation measures and a site survey by condition. In addition, that vibration levels are anticipated to be below the required standards.

These measures are accepted and considered appropriate mitigation to limit noise levels and safeguard the living conditions for future occupiers. Should the proposal have been acceptable on all other aspects, the full detail and specification of these measures would have been required by condition in order to safeguard future occupiers living environment.

Subject to the implementation of full details of the noise mitigation measures, the proposal provides an adequate living environment for future occupiers and complies with LDP Policy Hou 3 and Des 5.

Neighbouring Amenity

LDP policy Des 5 (Design-Amenity) supports proposals that have no adverse impact on neighbouring developments in regard to noise, daylight, sunlight, privacy or immediate outlook.

In regard to privacy and outlook, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. The rear side of development often offers better opportunity for privacy than the street side. This is because on the streetward side privacy to some degree is already compromised by the fact people in the street can come relatively close to windows of dwellings.

All proposed windows on the principal elevation would face the street side of Joppa Terrace. The distances retained from these windows to the facing residential properties front gardens of over 16m, and over 17m to front windows will prevent any adverse impact on these occupiers' privacy. Further, the privacy of these properties front elevations is already compromised by their position facing onto the street. The distances retained would prevent any adverse impact on privacy of these occupiers as a result of overlooking.

In regard to daylight and sunlight, the layout and position of the proposal does not raise any concern in respect to neighbouring properties.

In regard to noise, the proposed residential use is compatible with the primarily residential character of the area to the north of the site. As detailed above, the noise mitigation measures identified in the NIA, are considered appropriate to safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites.

Overall, the proposal will not result in an unreasonable impact on neighbour's living environment and will not compromise the effective development of adjacent land. The proposal complies with LDP Policy Des 2 and Policy Des 5.

g) Transport

Car Parking

LDP Policy Tra 2 set out the requirements for private car parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

LDP Policy Tra 4 states design requirements for private car parking having regard to its location, visibility from street level, inclusion of planting, impact on pedestrian safety and provision of recycling facilities where applicable. Further, that cycle parking should be provided near building entrances and of an appropriate design.

The site is identified within the Edinburgh Design Guidance Parking Standards as being within Zone 2. The standards identify that residential properties within this area should have a maximum car parking provision of 1 space per dwelling. There is no minimum parking provision.

The proposal includes one car parking space which complies with the standards.

As detailed above, the site is accessible by public transport with bus routes within close walking distance with pedestrian footways along these routes and Brunstane Railway Station nearby.

The site is located near Portobello Town Centre with access to a range of shopping facilities, other commercial and community services. These provisions are accessible on foot, cycle or public transport nearby.

No specific road or pedestrian safety issues arise from the proposal.

The car parking is positioned to the front of the building. It is modestly scaled in relation to the frontage and the existing planting will further reduce the visual impact of this space.

In regard to car parking, the proposal complies with LDP policy Tra 2 and broadly with Policy Tra 4.

Cycle Parking

LDP policy Tra 2 set out the requirements for private cycle parking as set out in the Edinburgh Design Guidance.

LDP policy Tra 4 states that cycle parking should be provided near building entrances and of an appropriate design.

The Edinburgh Design Guidance states a minimum of three cycle spaces should be provided for four habitable rooms or more. In regard to design, long-stay parking in residential development should be focused on location, security and weather protection.

A total of 9 cycle spaces are provided on-site. Secure, covered cycle stores to the eastern side, integrated within the proposed building. The proposed cycle provision therefore exceeds the required standards of the Edinburgh Design Guidance.

The location of the cycle parking is accessible and are primarily of a design that is appropriate for their use by long-term residents. In regard to cycle parking, the proposal complies with LDP policy Tra 3 and Tra 4.

h) Sustainability

LDP policy Des 6 (Sustainable Buildings) states permission will only be granted for development which meets carbon dioxide emission targets and incorporates features that reduce or minimise environmental resource use and impact.

The applicant has detailed the sustainability methods incorporated within the design in the planning statement.

The site is located in an urban area with good public transport links, allowing a reduced reliance upon the car. The car parking provision is accords with EDG standards. Sustainable modes of transport are encouraged through cycle storage provision for residents.

The development has been designed to maximise sustainable technologies including use of lightwells to increase penetration from the sun into the house, and incorporation of natural/recycled materials. In addition, the planning statement refers to use of an electric heat pump meaning the dwelling can be powered by renewable energy.

In light of the above, the proposal complies with LDP Policy Des 6 (Sustainable Buildings).

i) Other Material Planning Considerations

Scottish Planning Policy (SPP)

Scottish Planning Policy (SPP) presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old. It sets out 13 principles to guide policy and decisions.

The development proposes re-use of brownfield land, and land use will support the local economy. The site is within walking distance of a public park with sport and recreational facilities. The proposals include measures to assist with climate change mitigation including its location near to sustainable transport links and no car parking provision.

However, the proposal will have a harmful impact on the quality and character of the local environment and the setting of the historic environment therefore does not comply with principles 10 and 11 of the SPP.

The proposed development therefore does not comply with the SPP sustainability principles.

Emerging Policy Context

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

City Plan 2030 - While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Network Rail

Network Rail has been consulted on the proposal and have raised no objection.

An advisory note is recommended should permission be granted that contact is made with Network Rail in advance of works starting in relation to ground levels, foundations and operation of mechanical plant near the rail line.

The Coal Authority

The Coal Authority has been consulted on the proposal and raised no objection.

The application site is, or can be made, safe and stable for the proposed development. The Coal Authority would expect the proposed development to be carried out in accordance with the mitigation strategy included in the submitted Mineral Stability Risk Assessment.

Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

The Planning Committee on 30 March 2017 approved the implementation of a certificate procedure in relation to assessing potential flood impacts as a result of new development proposals during the application process.

Accordingly, a Surface Water Management plan is required to assess the impact of the proposal on surface water on the site. Should the proposal have been acceptable on all other aspects, a condition would have been recommended that before development on site can begin, the submission of a surface water management plan be provided to and approved in writing by the Local Planning Authority.

i) Public Comments

Material Representations - Objections

Conservation Area

- Proposal is out of keeping with traditional Victorian buildings in design, scale and location - Addressed in section 3.3 a);
- Adverse impact on traditional setting, character and spatial nature of the street - Addressed in section 3.3 a) and d);

Open Space

- Site is not suitable for residential use - Addressed through the above report;
- Former communal use as railway allotments and now green space - Addressed in section 3.3 b);
- LDP Policy Env 18, City Council's Open Space Plan 2021 is applicable , Promotion of Green Infrastructure by Scottish Government is applicable - Addressed through section 3.3 b);

- Visual amenity value of landscaped area - Addressed in section 3.3 b);
- Appearance of community garden changes in proposed plans, public's ability to use this space unclear - The location and assessment of the community garden is addressed in section 3.3 b);

Ecology

- Limited ecological value from proposed community garden - Addressed in section 3.3 b);
- Adverse impact on ecology and trees - Addressed in section 3.3 e);

Roads

- Increased car usage from proposed dwelling - Addressed in section 3.3 g) ;
- Road safety and traffic issues - Addressed in section 3.3 g);

Other Matters

- Potential issues of subsidence, flooding - Considered through Coal Authority response and flooding sections in 3.3 h);

Material Representations - Support

- Open Space - Addressed in section 3.3 b);
- Existing land is brownfield - Addressed through sections 3.3 a) and b);
- Proposal provides community garden for public use - Addressed in section 3.3 b);
- Proposal will improve appearance of unkempt land - Addressed in section 3.3 b) ;
- Appropriate design, scale and form - Addressed in section 3.3 c) and d);
- Ecological value from proposed development - Addressed in section 3.3 e);
- No impact on neighbouring amenity - Addressed in section 3.3 f);
- Sustainable, energy efficient and eco-friendly - Addressed in section 3.3 h);
- Contributes to Scottish Government commitment for increased housing - The benefit the proposed dwelling would have to contributing to the housing stock is not considered to outweigh non-compliance with LDP policies;

Non-Material Representations - Objections

- Previous applications on-site and surrounding area - Each planning application is assessed on its own merits having regard to relevant policy and guidance;
- Commercially disadvantaged by location, impacting on price of property due to noise and vibration - These matters cannot materially be assessed under this planning application;
- Potential noise, disturbance, pollution and access issues during construction activity - Potential impact of construction activities cannot materially be assessed under this planning application;
- Impact on private views - This matter cannot materially be assessed under this planning application;

Conclusion

The proposal is contrary to the development plan.

It is of an inappropriate design, the scale, form and position will have a detrimental impact on the setting of the conservation area and spatial character of the area.

It will result in loss of open space that is of amenity value and will have a harmful impact on the quality and character of the local environment.

There is potential benefit in a contribution to the housing land supply through re-use of brownfield land for a dwelling and provision of community gardens.

However, these benefits do not outweigh the adverse impact on the quality and character of the local environment. The proposal is also contrary to the Scottish Planning Principles of sustainable development.

This material consideration therefore supports outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons: -

1. The proposal is contrary to Edinburgh Local Development Plan Policy Env 6 - Conservation Areas - Development, as the scale, form and location of the dwelling will result in loss of open landscape which will adversely impact on the setting of the conservation area.

2. The proposal is contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the form, scale, proportions and position of the dwelling is an incongruous addition in its surroundings that will have an unacceptable impact on the established character of the townscape.
3. The proposal is contrary to Edinburgh Local Development Plan Policy Env 18 - Open Space, as the development will result in the loss of open space that is of amenity value and will have a significant impact on the quality and character of the local environment.
4. The proposal is contrary to Edinburgh Local Development Plan Policy Des 1 - Design Quality and Context, as the proposed dwelling is an inappropriate design in scale, form and position that would have a damaging impact on the spatial character and appearance of the area.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

237 representations have been received (118 objections, 1 neutral comment and 118 support comments)

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**

Edinburgh Local Development Plan - Urban Area

Date registered

7 December 2021

Drawing numbers/Scheme

01-15,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer

E-mail: lewis.mcwilliam@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

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

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

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

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Appendix 1

Application for Planning Permission 21/06429/FUL at Land Opposite, 21 - 24 Joppa Terrace, Edinburgh. Erection of dwelling with landscaping, boundary treatment and parking, formation of two community gardens.

Consultations

Archaeology

The application site occupies the rear gardens for the late Victorian Joppa Station house. Historically coastal farmland located between the medieval village of East Duddingston to the south and Joppa and the coast to the north, the site lies within a wider landscape significant for prehistoric occupation.

Having assessed the scale and recent development history of the site, its location it is considered that it is unlikely that significant archaeological remains will be impacted upon and therefore it has been concluded that there are no, known, significant, archaeological implications.

Environmental Protection

Environmental Protection has no objections to this application subject to the attached conditions.

1. The glazing on the southern facade shall have a minimum sound reduction performance R_w 48dB. The glazing on the northern facade and roof lights shall have a minimum sound reduction performance R_w 33dB. The glazing on the eastern facade shall have a minimum sound reduction performance R_w 43dB.

2. On the southern facade, ventilators shall be either heavy duty through-wall ventilators or Mechanical Ventilation with Heat Recovery (MVHR) and have a minimum acoustic performance $D_{n,e,w}$ 54dB. On the western facade, ventilators shall be either heavy duty through-wall ventilators or Mechanical Ventilation with Heat Recovery (MVHR) and have a minimum acoustic performance $D_{n,e,w}$ 49dB. On the north facade, the ventilators; Acoustic trickle vent or MVHR shall have a minimum acoustic performance $D_{n,e,w}$ 39dB.

The recommended acoustic ventilator ratings above refer to the overall 'open' performance. If multiple units are installed within the same room, the individual acoustic ventilator performance will need to be increased by a factor of $10 \log(n)$, where n is the number of vents installed per room.

3. A 2.2 m high noise barrier shall be erected along the railway line boundary fence to the east side of the proposed dwelling as shown in the Noise Impact Assessment; Technical Report R-8940-CL-RGM 26 January 2021, fig 7.

The barrier can be in the form of a close-boarded timber fence with the board specification providing a minimum mass per area of 12 kg per square metre , the design ensuring that there are no gaps/cracks in the face of the barrier and that it has good durability. Alternative barrier materials and combinations (i.e. masonry wall base/columns and fence, fence and bund) should be reviewed against the aforementioned requirements.

4. The boundary wall to the west of the site shall be 1.8m high and positioned as shown in the Noise Impact Assessment; Technical Report R-8940-CL-RGM 26 January 2021, fig 7.

The wall can be in the form of a close-boarded timber fence with the board specification providing a minimum mass per area of 12 kg per square metre , the design ensuring that there are no gaps/cracks in the face of the barrier and that it has good durability. Alternative barrier materials and combinations (i.e. masonry wall base/columns and fence, fence and bund) should be reviewed against the aforementioned requirements.

5. Prior to the commencement of construction works on site-

A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

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

Informatives

1. The Noise Impact Assessment concluded that vibration levels from the rail line were of a low probability of adverse comment under BS 6472:2008. However, this may still generate a complaint, therefore it is recommended that measures outlined in Technical Report R-8940-CL-RGM 26 January 2021 are implemented to reduce vibration levels.

The proposed development is located at Land opposite 21 - 24 Joppa Terrace, Edinburgh. The site forms part of an extended garden for the former rail station building at 2a Joppa Terrace. The application follows on from application 21/03730/FUL which was refused. This new application differs in that it has an additional community garden.

The majority of the site appears to be overgrown with trees and shrubbery. In recent years, at least part of the site has been used as an allotment. To the south, the site is bounded by the rail line and to the north, by the roadway for Joppa Terrace. Joppa Terrace has a row of two storey residential properties along the north side of the street.

Historically the site was developed with several buildings on the site. There are also historic mine workings in the vicinity, identified in the mineral stability and Coal Authority Reports. Consequently, a ground investigation condition has been recommended.

The NIA of external amenity space was based on a 1.8m, boundary wall at the west of the site. No details of this could be found on the submitted drawings, therefore it has been included as a condition.

The assessment of vibration shows there is a low probability of complaints being received in accordance with the relevant standard. Therefore, the remedial measures outlined have been recommended as an informative.

Network Rail

Whilst Network Rail has no objections in principle to the development, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as advisory notes, if granting the application:

The development is adjacent to an electrified line where all parts of the overhead line equipment are energised to 25kV at all times. The design and construction will need to take the additional associated risks into account including the submission of any required bonding designs to Network Rail's Asset Protection Engineers for review and approval.

The applicant must ensure that the construction and subsequent maintenance of proposed dwelling house can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a 'possession' which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The Coal Authority

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Mineral Stability Risk Assessment (3 March 2021, prepared by NPL Environmental Ltd), which accompanies this planning application.

The Mineral Stability Risk Assessment correctly identifies that the application site is located in an area where coal is believed to be present at shallow depth, which may have been worked at some time in the past. However, on the basis of an analysis of the geological and mining information, the report is able to conclude that any lateral workings in shallow coal seams will have sufficient competent rock cover above them to afford ground stability. Despite this, the report does note the potential for unrecorded crop workings in two shallow coal seams, which outcrop close by and that are likely to underlie the site at shallow depth.

Notwithstanding the above, the report confirms that either rotary boreholes or trial pits, specifically due to the depth of superficial deposits are likely to prove unsuccessful, which the report reinforces by referencing the sporadic distribution of such features. The report therefore concludes that the most appropriate form of mitigation in this instance would be the incorporation of a raft foundation within the design of the dwelling. This will be a matter for the Building Standards process to ensure.

Based the mitigation strategy proposed within the Mineral Stability Risk Assessment and considering the coal mining legacy issues which are associated with the site (i.e. potential bell pits) the Coal Authority raises no objections subject to the proposed measures being incorporated into the scheme.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the information submitted in support of this planning application is broadly sufficient for the purposes of the planning system and meets the requirements of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The Coal Authority would expect the proposed development to be carried out in accordance with the mitigation strategy included on page 6 of the Mineral Stability Risk Assessment.

The Coal Authority therefore has no objection to this planning application on the basis of the information submitted.

Location Plan



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