

# Development Management Sub-Committee Report

**Wednesday 17 August 2022**

**Application for Planning Permission  
6 Cowan's Close, Edinburgh, EH8 9HF**

**Proposal: Replace the single storey street cleansing office and car park with a 4 storey residential block including amenity space and planting space for both tenants and the nursery opposite.**

**Item – Local Delegated Decision  
Application Number – 21/06745/FUL  
Ward – B15 - Southside/Newington**

## **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because the Council is the applicant and the works are more than minor routine operations. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

## **Recommendation**

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

## **Summary**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

The proposal will not harm the setting of the neighbouring listed buildings and will preserve and enhance the character and appearance of the conservation area. The proposal complies with the development plan and the principle of residential use on the site is acceptable. The scale, form and design are appropriate and the proposal will create a sense of place. Neighbouring amenity will not be unreasonably affected and future occupiers will have a good living environment. Trees will not be harmed and biodiversity will be improved. There are no flooding, sustainability, transport or archaeology issues. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

## **SECTION A – Application Background**

### **Site Description**

The application site is a Council depot on the west side of Cowan's Close, a cul-de-sac, which backs onto the rear of Clerk Street.

A single storey building sits at the back of the plot at the southern end with the bulk of the site being tarmac and used for parking and storage. There are also portacabins on the site.

The site is bounded on the front by a high timber fence and two sets of high metal gates, to the south side and rear (west side) by a stone wall and to the north side by a building. On the south and southern end of the west of the site there are trees just over the boundaries.

The street and surrounding area are predominantly residential although there is a mix of uses including shops and other commercial uses at ground floor level in Clerk Street, a nursery opposite the site and hotels nearby.

The buildings to the rear and south are listed buildings. There are Georgian tenements at 20-44 Clerk Street & 2-6 Rankeillor Street to the west and 8-52 Rankeillor Street to the south are category B listed buildings (date of listing: 14/12/1970, listing references: LB28548 & LB29605).

The application site is in South Side Conservation Area.

### **Description of the Proposal**

The proposal is for an 100% affordable housing development of 19 units catering for those with additional needs and dedicated solely to the Health and Social Care Partnership (HSCP). It will comprise of a single flatted block with net internal area of approximately 4000 sqm, 4 storeys high served by a stair/lift core and deck access on the upper floors. A mix of 1, 2 & 3 bedroom, mainly dual access flats, all wheelchair accessible.

The existing building will be demolished.

Amenity space and planting space and cycle/mobility scooter storage are also proposed.

### **Amended Scheme**

Scheme 2 has been amended to include cycle parking in the mobility scooter storage shed and removal of the ambulance bay (proposed for the public road).

### **Supporting Information**

- Design and Access Statement
- Bat Report
- Pre-application Advice
- Site Investigation Report

- Drainage, Flooding and Surface Water Management Report
- Noise Impact Assessment
- Tree Survey Report
- Arboricultural Impact Assessment Tree Protection Plan
- Transport Statement
- S1 Sustainability Form

### **Relevant Site History**

22/00841/CON  
6 Cowan's Close  
Street Cleansing Depot.  
Edinburgh  
EH8 9HF  
Complete Demolition in a Conservation Area.

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Archaeology

Waste and Cleansing Services

Environmental Protection

Affordable Housing

Communities and Families

Roads Authority (Transport Planning)

Flood Planning

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 10 January 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 14 January 2022;

**Site Notices Date(s):** 11 January 2022;

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) 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):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

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.

### Assessment

To address these determining issues, it needs to be considered whether:

#### a) The proposals harm the listed building and its setting?

The impact of the proposal on the setting of the listed buildings to the west and to the south, i.e. in Clerk Street and in Rankeillor Street, requires to be assessed. The existing building on the site is not listed.

The following Historic Environment Scotland (HES) Managing Change guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Setting

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It states that factors to be considered in assessing the impact of a change on the setting of a historic asset or place include the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this and the ability of the setting to absorb new development without eroding its key characteristics and the effect of the proposed change on qualities of the existing setting.

The listed buildings to the south west and south are category B and are stone terraces. Their rear setting consists of gardens, stone boundary walls and trees. The proposal will not change these existing elements that contribute to the setting of the listed buildings. From Cowan's Close the rear elevations are slightly obscured by trees which give glimpses of the rear elevations and the proposal will still enable some views of the rear elevations of the neighbouring listed buildings from the street.

The proposal will change the setting of the listed buildings within Cowan Street. However, the site currently does not contribute positively to the setting of the listed buildings. The proposed building will have a neutral effect on the setting of the listed building. The proposed building will be lower than the height of the neighbouring listed tenement buildings and, thus, will not detract from their setting of the listed buildings.

Creating a garden to the rear and south side of the proposed building will enhance the setting by providing gardens next to the gardens of the listed buildings. This will create a softer setting than currently exists. As such it will not harm the special architectural or historical interest of the listed buildings. The positioning of the building will enable, albeit more restricted, views through the spaces to the rear elevations of the listed buildings on Clerk Street and Rankeillor Street.

The proposals will not erode the key characteristics or the qualities of the existing setting.

### **Conclusion in relation to the listed building**

The proposal will not harm the setting of the neighbouring listed buildings nor their special architectural features and historic interest. The proposal conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

### **b) The proposals harm the character or appearance of the 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."

South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area. It states that development opportunities for infill or replacement may arise within the area and will be considered in terms of the relevant guidance. South Side is one of the most historically and architecturally important parts of Edinburgh with a rich mixture of stages of development and an abundance of heritage interest.

The Character Appraisal goes on to say that, "General issues to be taken into account in assessing development proposals in the Conservation Area include the appropriateness of the overall massing of development, its scale (the expression of size indicated by the windows, doors, floor heights, and other identifiable units), its proportions and its relationship with its context i.e. whether it sits comfortably. Development should be in harmony with, or complimentary to, its neighbours having regard to the adjoining architectural styles. It should also, as far as possible, fit into the "grain" of the Conservation Area. It is also important where new uses are proposed that these respect the unique character and general ambience of the Conservation Area.

Cowan's Close contains a mixture of architectural styles and periods of development. The prevailing height is four storeys and the proposed building height is similar to the predominant height of buildings found in South Side conservation area. The building will be set back slightly from the pavement which reflects the modern building opposite and diagonally opposite which are at the southern end of Cowan's Close. The proposed height of the proposed building is similar to the predominant height of buildings found in South Side. The buildings to the northern end are hard on the heel of the pavement. In this make up of the streetscene, the proposed building will relate well to the existing buildings including their height, materials and positioning. Sitting forward on the site nearer the road and being similar in height to surrounding buildings, the proposed building will contribute to the streetscene and relate better to the other buildings in the street and immediate surrounding area.

Introducing green space in the form of a communal garden will contribute to the spatial pattern and be in keeping with the established pattern of rear gardens found to the rear of tenements in the conservation area.

Modern elements will be incorporated into the new building which are not traditional features in the conservation area. Examples are solar panels in the slate roof plane and air source heat pumps on the rear of the building masked by the decking railings. Decked access is also not a design feature traditionally found in the conservation area. However, it will not be seen from the streetscene and there will be almost no public views of it in the conservation area. Such features have been integrated into the building in a subtle way. South Side Conservation Area contains a wide variety of architectural styles, time periods and materials and Cowan's Close also has a mix of building design and materials. In this context, the proposed modern building will sit comfortably within the street and conservation area.

The proposal will enhance the appearance of the conservation area.

In terms of the conservation area's character, the proposed residential development will be in keeping with the residential character of this part of the conservation area. Residential use in a predominantly residential street within the conservation area, will contribute to its prevailing residential character in the secondary street of the conservation area and will not impact on the role and character of the main streets and thoroughfares.

The proposal will preserve and enhance the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal does not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) The proposals comply with the development plan?**

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 3, Env 5, Env 6, Env 8, Env 9, Env 12, Env 16, Env 21
- LDP Design policies Des 1, Des 4, Des 5, Des 6
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6
- LDP Employment policy Emp 9
- LDP Transport policies Tra 2, Tra 3, Tra 4
- LDP Delivering The Strategy policy Del 1

The non-statutory 'Listed Buildings and Conservation Area' guidance and the Edinburgh Design Guidance are material considerations that are relevant when considering the development plan policies.

#### Setting of listed buildings

LDP Environment policy Env 3 (Listed Buildings - Setting) states that development affecting the setting of a listed building will be permitted only if not detrimental to the appearance or character of the building, or to its setting.

The impact on the setting of the neighbouring listed buildings has been assessed in section a) above which concluded that the special the setting of the listed buildings would be preserved. As the proposal complies with the statutory test, it therefore also complies with LDP policy Env 3.

#### Conservation Area

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The impact on the character and appearance of the conservation area has been considered above in b). It was concluded that the proposed development would not have any material impact on the character of the conservation area and would preserve and enhance the character and appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

### Principle of Development

Local Development Plan (LDP) policy Hou 1 (Housing Development) supports housing on suitable sites in the urban area, provided that the proposals are compatible with other policies in the Plan.

LDP policy Emp 9 (Employment Sites and Premises) sets out the criteria for the redevelopment of employment sites.

The application site is in a predominantly residential street and area. The principal of development for residential use in this location is acceptable. The proposal complies with policy Hou 1.

The change of use of the site from employment to residential will not prejudice or inhibit the activities of nearby employment use. Although the street and surrounding area are predominantly residential, there is a mix of uses including those with employees. These uses currently coincide and the proposal will not alter this relationship. The proposal complies with criteria (a) of LDP policy Emp 9.

Although not part of a comprehensive regeneration of the area, the proposal will improve the street and wider area by introducing a development more in keeping with the immediate surrounding uses, mainly residential, and which will preserve and enhance the character and appearance of the area. The proposal partly complies with LDP policy Emp 9 criterion (b) and is partly a minor infringement of criterion (b).

Criterion (c) of LDP policy Emp 9 is not applicable because the site area is less than one hectare.

Overall, the proposal complies with LDP policy Emp 9.

The proposal complies with LDP policies Hou 1 and the minor infringement of LDP policy Emp 9 is justified in this instance.

### Scale, Form and Design

LDP Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

LDP Policy Hou 4 (Housing Density) states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area; the need to create an attractive residential environment within the development; the accessibility of the site to public transport; and the need to encourage and support the provision of local facilities necessary to high quality urban living. It goes on to explain that in established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

The proposal will reuse a brownfield site which is currently not contributing to a sense of place. The proposed building will sit forward in the plot, giving a stronger street definition and presence which will be in keeping with the majority of other buildings in the street. The proposal will contribute to a sense of place.

The proposed block of flats will be of a similar height to neighbouring flatted blocks. Although a stand alone building, its strong building line will sit comfortably with the mainly terraced buildings in the street. It will not detract from the setting of other surrounding buildings and its modern contemporary design will have a positive impact on the townscape. The roof pitch is appropriate for a modern building sitting within a street and surrounding area with a range of architectural styles, albeit mainly pitched. Whilst the decked access is not an established feature in the surrounding area, it will not be seen from the public street and is integrated well into the design of the building. In this context, it will provide for individual private access to the each of the special needs flats and this approach is supported in this case.

Materials proposed will be compatible with the mix of traditional and modern materials in the street and surrounding area and are acceptable. Details of facilities such as down pipes, expansion joints and vents on elevations are essential features and, given that will not overly dominate the elevations. Whilst roof vents are not shown on the drawings, should they be installed they would be a minor detail and not detract from the overall design concept.

The bin store, substation and sprinkler tanks will be integrated into the building at ground floor level. The position of these facilities at the southern end of the proposed building forms an overall design concept for the development and is acceptable.

Garden ground will be created to the rear which reflects the pattern of gardens in the area and also to the south of the site, which is the same situation with the garden area in the property opposite.

The proposed development is close to shops and other facilities in the area including public transport. The higher density of the development and its location will provide for good urban living as it will be near to local facilities for its residents and, thus, will support local facilities.

A mix of one, two and three bedroom flats will be provided and these will provide housing for those with special needs. The proposal will contribute to and enhance the housing mix in the area. Therefore, there will be an appropriate mix of housing. The proposed complies with Policy Hou 2 in terms of variation in unit sizes and provision for people with special needs in an accessible location.

Scope to improve the public realm is limited due to the existing street situation although the pavement will become 2 metres wide. The design focus has been to position the building to reflect that of the existing buildings in the street and to enable a communal rear garden space for the wellbeing of residents who will have with special.

There are several protected public views listed in the Edinburgh Design Guidance in terms of the application site. These include E1a+b Pleasance to Salisbury Crags and Calton Hill, S7b+d Braid Hills, east end to Calton Hill and to Arthur's Seat and Salisbury Crags and S10a Liberton, S11b and S12c+d from Liberton Cemetery, Old Dalkeith Road and Craigmillar Castle to Arthurs's Seat and Salisbury Crags. The proposed building will sit within an area and street of similar building heights and will not interrupt public views.

The proposal complies with LDP policies Des 1, Des 4, Hou 4 and Hou 2.

### Amenity

Local Development Plan (LDP) Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected and that permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity.

Edinburgh Design Guidance advises that achieving reasonable amenity needs to be balanced against achieving good townscape.

LDP Policy Hou 4 (Housing Density) states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area and that proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity. Policy Hou 4 (Housing Density) also takes account of the need to create an attractive residential environment within the development.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

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. It also states that private open space/gardens should be designed for a range of functions and sets out minimum unit sizes.

### *Neighbouring Amenity*

Most of the overshadowing will be on the street and garden ground area of the application site. Some overshadowing to neighbouring properties will occur and this is within acceptable limits as set out in the Edinburgh Design Guidance.

Proposed rear windows will be mostly 14 metres from the rear boundary with some windows being closer at 9 metres. When taken with the existing garden depth of the existing buildings to the rear, the windows will be more than 18 metres opposite each other. This is a sufficient distance to maintain a reasonable level of privacy to existing neighbouring properties.

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

The proposed air source heat pumps (ASHP) do not require acoustic attenuation and the Acoustic Report submitted demonstrates that this is the case. Environmental Protection has confirmed that the noise impact assessment provided in support of the application confirms that noise from the proposed air source heat pumps will not impact upon residential amenity.

Any noise levels is expected to be that normally associated with residential living. Anti-social behaviour, such as noise disturbance, can be dealt with through relevant legislation, such as Environmental Health Acts or by Police Scotland.

The proposal will not have an unreasonable impact on neighbouring properties' amenity.

### *Amenity of Future Occupiers*

Floor space in excess of the minimum sizes in the Edinburgh Design Guidance will be provided. Daylight into the properties will be sufficient due to the units being dual access and having appropriate window sizes. As the building will be stepped back slightly from the pavement edge, those on the ground floor will have adequate privacy.

Communal garden space will be provided for occupants. Those in ground floor flats will have direct access to the rear private communal garden and those living in the upper floors will also have a communal winter garden area on each decking level. A requirement for 20% of the communal open space to be usable will be met with the provision of picnic areas, growing spaces and wide and easy paths for wheelchairs and mobility scooters. There will also be mobility scooter storage in the garden.

The proposal will provide a good living environment.

The site may have become contaminated from previous uses of the land and therefore should be made safe for the proposed end use. A condition is recommended below to that effect and, therefore, Environmental Protection offers no objections to the application subject to a condition relating to Site Investigation and, if necessary, remediation of the site. It is acknowledged that the applicant has submitted Site Investigation information. However, it has not yet been confirmed by Environmental Protection that the information demonstrates no risk to human health.

Therefore, a site investigation condition will be attached to the planning permission, should permission be granted.

Community security will be improved by introducing more overlooking of the street as the building will be closer to the road.

The proposal complies with LDP polices Des 5, Hou 4 and Hou 3.

### Sustainability

Policy Des 6 (Sustainable Buildings) sets out criteria for new buildings in relation to carbon dioxide emissions, zero carbon generating technologies and minimal environmental resource use and impact.

The proposed building will be constructed to the latest Building Regulations including those relating to energy efficiency.

The development is well placed for public transport use, walking and cycling. In this regard, a car free development is proposed which will also contribute to a sustainable development.

The proposal complies with policies Des 6.

### Flood Planning

LDP Policy Env 21 (Flood Protection) states that planning will not be granted for development that would increase flood risk or be at risk of flooding. Flood Planning has advised that, following the provision of additional flooding and drainage information, this application can proceed to determination with no further comments from CEC Flood Prevention. The proposal complies with policy Env 21.

Flooding and Drainage information was submitted and further information requested by Flood Planning in the form of an updated SWMP has been provided. Flood Planning has advised that the application can proceed to determination. Therefore, there are no flooding or drainage issues.

The proposal complies with policy Env 21.

### Trees and Biodiversity

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

Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless: a) there is an overriding public need for the development and it is demonstrated that there is no alternative b) a full survey has been carried out of the current status of the species and its use of the site c) there would be no detriment to the maintenance of the species at favourable conservation status; d) suitable mitigation is proposed.

There are no trees on the site although there are trees in the adjacent gardens. The tree survey and information provided state that due to the tarmac covering nearly all of the site, that the proposed development will have no adverse impact on the roots of the trees in the neighbouring surrounding gardens. Due to the positioning of the proposed building, there will be no impact on the canopies of the trees.

The bat report concluded that the existing building has low bat roost potential and no evidence of bats was found. Therefore, the proposal will not adversely impact on such protected species. There are no significant ecological constraints to development.

Greening the site around the proposed building with trees and planting will enhance biodiversity and be an improvement on the current situation on site. It is acknowledged that there will be quite a bit of hard landscaping and this is needed to enable residents to move around the garden more easily. On balance, providing 19 special needs/accessible and affordable homes where residents can use the garden outweighs the provision of more greenery to absorb rainfall and Flood Planning has advised that it has no concerns. The proposed planting will contribute to biodiversity.

The proposal complies with LDP policies Env 12 and Env 16.

It is recommended that an informative be placed on any forthcoming planning permission to remind the application that trees are protected by BS 5837(2012) - Trees in relation to demolition, development and construction.

### Archaeology

LDP Policy Env 8 (Protection of Important Remains) states that development will not be permitted which would damage or destroy non-designated archaeological remains which the council considers should be preserved in situ.

Policy Env 9 (Development of Sites of Archaeological Significance) states that planning permission of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and if required a field evaluation.

The City Archaeologist has advised that ground works of this development may have a significant archaeological impact and may find evidence of earlier development on the site. Therefore, it is recommended that a condition be used to require a programme of archaeological works.

The proposal, with the use of a condition, complies with LDP policies Env 8 and Env 9.

## Transport and Parking

LDP Policies Tra 2 - Tra 4 set out the requirements for private car and cycle parking. The Council's Parking standards are set out in the Edinburgh Design Guidance.

Policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

Policy Tra 4 (Design of Off Street Car and Cycle Parking) sets out that design considerations which will be taken into account. This includes location of parking, structured planting, safety and community recycling space.

The Roads Authority (Transport Planning) has advised that it has no objections subject to conditions or informatives as appropriate in relation to car club space contribution, a Travel Plan, proposed on-street ambulance space and residential parking permits. A revised drawing has been provided removing the on-street ambulance space which was intended for patient transport ambulances.

Zero parking spaces complies with the parking standards as it does not exceed the maximum amount of parking spaces and is acceptable. Due to the nature of the future occupants, the proposed 14 cycle spaces and 8 mobility scooter spaces are also acceptable. The cycle and mobility scooter spaces will be provided in covered secure storage.

The pavement along the frontage of the application site will be 2m which complies with the advice in the Edinburgh Design Guidance.

The proposal complies with LDP Tra 2, Tra 3 and Tra 4.

## Delivering the Strategy (Developer Contributions)

A sum of £7,000 is required for the proposed car club space. The developer will be required to pay this contribution money in advance of the commencement of development. A suitable legal agreement is required to secure the developer contribution.

This application is for a development consisting of up to 19 homes. The homes will be delivered by the City of Edinburgh Council (CEC) and the development will consist of 19 (100%) homes for social rent. This is welcomed by the department (Housing and Development).

All 19 homes will be fully wheelchair adapted and have been designed to housing for varying needs and secured by design standard, and the City of Edinburgh Council housing design requirements. The City of Edinburgh Council will be the landlord for the social rented units.

The provision of affordable housing proposed in the scheme is acceptable to Housing Management and Development. A suitable legal agreement is required to ensure the delivery of the affordable housing units.

### Waste

An integral refuse storage area is proposed on the ground floor of the building. A waste strategy has been agreed with Waste and Cleaning Services.

### **Conclusion in relation to the Development Plan**

The proposal complies with the development plan. The principle of residential use on the site is acceptable. The proposal will not harm the setting of the neighbouring listed buildings and will preserve and enhance the character and appearance of the conservation area. The scale, form and design are acceptable and the proposal will create a sense of place. Neighbouring amenity will not be unreasonably affected and future occupiers will have a good living environment, with the use of a condition relating to site investigation. Trees will not be harmed and biodiversity will be improved. There are no flooding, sustainability, transport or, with the use of a condition archaeology issues. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

#### **d) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposed development will re-use previously developed land to provide residential units in the form of affordable socially rented flats. The proposal will be a sustainable land use which will create a sense of place, including communal amenity open space and landscaping. It will near local facilities including bus routes which can provide access to parks or public open spaces. Cycle and mobility scooter parking for both residents and visitors, waste recycling bins and compliance with building regulations will contribute to the mitigation of climate change through, for example zero car parking and heating systems. The proposal will make efficient use of land.

The proposal complies with the principles of Paragraph 29 of SPP.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents 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. Therefore, the proposal is not required to comply with the technical requirements for housing proposals outlined in Appendix D.

### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

The proposal will provide housing for those with special needs in the form of 19 accessible social rented flats. This will provide access to appropriate accommodation. The position of the bins, at the southern end of the building enables the access and entrances to be nearer the northern end of the street giving slightly closer access to the main roads and facilities beyond.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

### Public representations

A summary of the representations is provided below:

#### *material considerations*

- design - uniform; imposing height; unattractive; details impact on appearance of elevation e.g. downpipes, movement joints, vents; roof pitch;
- scale - too large; too high. Addressed in section c) under heading Scale, form and design.
- positioning (too close to existing buildings on Clerk Street). addressed in section a) Listed buildings and setting and section c) Amenity.
- loss of daylight. Addressed in section c) Amenity.
- loss of privacy. Addressed in section c) Amenity.
- principle of development - need for extra flats; need for affordable housing. Addressed in section c) Principle of development.
- detrimental impact on surrounding buildings - obscure historic houses and tenements; obscuring/diminishing surround buildings; lack of sympathy; inappropriate for its surroundings. Addressed in section a) Listed buildings and setting and in section b) Conservation area.
- drawings - no scale on drawings; no dimensions on roof pitch; elevations and perspectives are inconsistent. Sufficient information has been submitted to enable the application to be considered.
- public realm - no consideration. Addressed in section c) Scale, form and design.
- parking and cycle parking. Addressed in section c) Transport and parking.
- detracts from setting of listed buildings. Addressed in section a) Listed buildings and setting.
- greenspace - amount; positioning. Addressed in section c) Amenity.
- community security - lack of passive surveillance. Addressed in section c) Amenity.

- water management & sustainable urban drainage. addressed in c) Flood Planning.
- biodiversity & more greenery. Addressed in section c) Trees and biodiversity.
- pavement - widths; needs to be wider; dropped kerbs to allow easy access. Addressed in section c) Transport and parking.
- waste strategy - bin storage location. Addressed in section c) Scale, form and design.
- affordable housing statement should be included. Sufficient information was provided in terms of the proposed provision of Affordable Housing.

*material support comments*

- materials - brick nice;

*non-material considerations*

- opportunity to create unique, attractive series of lower dwellings. The planning authority can only consider the application submitted. It cannot assess alternative suggestions.
- obscure skylines and vistas towards Salisbury Crag's and Arthur's Seat
- Edinburgh City Council will reconsider and commission a proposal that is more sympathetic to its surroundings and more imaginative in design. The planning authority is not responsible for commissioning the proposal.
- timing of application submission. Applicants can submit an application at any time and the planning authority has no control over this.
- introduce shared surface. The planning authority can only consider the application submitted and cannot take into account suggestions for changes to the proposal.
- develop space (public realm) between application site, road and nursery. The planning authority can only assess the application submitted.
- increase height to give more light. The planning authority can only assess the application in front of it.
- contrary to City Plan 2030 Appendix D (Technical Requirements for Housing Proposals). City Plan is not yet adopted, and little weight can be given to Appendix D.
- technical and cost issues with roof. This is not a planning matter.
- roof pitch may change. The planning authority can only assess the application submitted. Should the roof design, including pitch, be amended this could be the subject of a non-material variation to the planning permission or a new full planning application, as appropriate.
- redesign building - e.g., variable height/stepping down. The planning authority can only assess the application submitted.
- compliance with pre-application advice. This is a view of the proposed development and there is no requirement to comply with the exact pre-application advice.
- plant street trees and planting. The planning authority can only consider the application in submitted. The Roads Authority is responsible for changes to the road layout.
- future of permit holder spaces. This is the responsibility of the Roads Authority.
- on street electric vehicle charging points. This is the responsibility of the Roads Authority.

- reconfigure internal layout of flats. The applicant is experienced in providing internal flat layouts for varying needs residents.
- tenancy agreements - restrictions; possible use as short term lets. Tenancy restrictions is the responsibility of the landlord. A change of use to a short term holiday let would require planning permission.

## **Conclusion in relation to identified material considerations**

### **Overall conclusion**

The proposal is acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

The proposal complies with the development plan. The principle of residential use on the site is acceptable. The proposal will not harm the setting of the neighbouring listed buildings and will preserve and enhance the character and appearance of the conservation area. The scale, form and design are acceptable and the proposal will create a sense of place. Neighbouring amenity will not be unreasonably affected and future occupiers will have a good living environment. Trees will not be harmed and biodiversity will be improved. There are no flooding, sustainability, transport or, archaeology issues. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions :-**

1. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

**Reasons:-**

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to safeguard the interests of archaeological heritage.

**Informatives**

It should be noted that:

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

£7,000 contribution towards car club space. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

25% of residential units to be affordable housing units.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

6. The applicant should be advised that, as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A -New Build).
7. The applicant should consider electric charging points inside the mobility scooter & cycling store.
8. Trees are protected by BS 5837(2012) - Trees in relation to demolition, development and construction.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 10 January 2022**

### **Drawing Numbers/Scheme**

01-02, 03A, 04- 11, 12A, 15.

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Jackie McInnes, Planning officer  
E-mail: [jackie.mcinnnes@edinburgh.gov.uk](mailto:jackie.mcinnnes@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Archaeology

COMMENT: It is recommended that a programme of archaeological work is carried out prior to development to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains prior to construction. This will require a phased archaeological programme of works. The initial phase will be the undertaking of an archaeological evaluation of the site (10%) the results of which will inform the scope of secondary mitigation.

DATE: 18 January 2022

NAME: Waste and Cleansing Services

COMMENT: An agreement on the waste strategy and requirements for this development has been reached and conditions apply.

This agreement relates to the drawings provided and it has been agreed that these comply with our current waste and recycling instructions for Architects and developers.

DATE: 24 March 2022

NAME: Environmental Protection

COMMENT: Environmental Protection offers no objections to the application subject to the following condition:

### 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.

DATE: 27 January 2022

NAME: Affordable Housing

COMMENT: The applicant has made a commitment to provide 100% on site affordable housing and this is welcomed by the department.

The provision of affordable housing proposed in the scheme is acceptable to Housing Management and Development.

DATE: 24 March 2022

NAME: Communities and Families

COMMENT: The proposed development of 19 new flats, including 12 one-bedroom flats that have not formed part of this assessment, would not be expected to generate at least one additional pupil using the latest pupil generation rates set out below. Accordingly, we would not seek a contribution towards education infrastructure for the proposed development.

DATE: 6 April 2022

NAME: Roads Authority (Transport Planning)

COMMENT: No objections subject to appropriate conditions and informatives relating to:

1. £7,000 contribution for car club space;
2. Travel Plan;
3. On-street ambulance space not acceptable and not approved;
4. Not be eligible for residential parking permits.

Note:

- zero car parking acceptable;
- In view of the anticipated occupants, 14 cycle spaces and 8 mobility scooter spaces acceptable;
- Blue badge holders are entitled to park free of charge in residents' and pay and display spaces, as well as on yellow lines unless loading is prohibited.

DATE: 23 May 2022

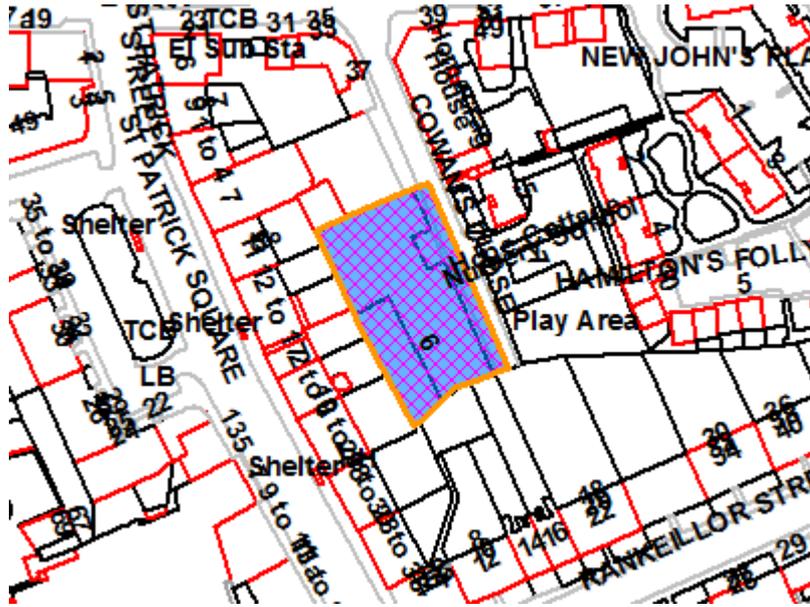
NAME: Flood Planning

COMMENT: Thank you for providing the additional information. This addresses our previous consultation comments. This application can proceed to determination with no further comments from CEC Flood Prevention.

DATE: 5 April 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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