

Development Management Sub-Committee Report

Wednesday 9 November 2022

**Application for Planning Permission
27 & 29 Beaverhall Road, Edinburgh, EH7 4JE.**

Proposal: Demolition of existing buildings and erection of mixed-use development comprising residential and other commercial uses, with associated private amenity and open space, landscaping /public realm, car parking, access arrangements, and associated infrastructure (205 units) (as amended).

**Item – Committee Decision
Application Number – 22/01654/FUL
Ward – B12 - Leith Walk**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 36 objections to the proposals have been made. 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

Overall, the proposals are in accordance with the Local Development Plan and associated guidance. The proposals are an acceptable design, scale, height and density which are appropriate for the location, and there will be an acceptable level of amenity achieved for existing and new residents. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

SECTION A – Application Background

Site Description

The proposal relates to a cluster of buildings located on the west side of Beaverhall Road; including a vacant factory and office building at no.27 currently occupied by creative industries, and a personal training studio/gym at no.29. The site covers an area of 0.5 hectares. The current height of the existing main factory building sits at approximately 12 metres. It is comprised of a concrete frame, red facing brick with high level glazed white UPVC windows and felted flat roof. There is an extension to rear of building towards the north edge of the site with a sun canopy towards the south edge.

The site is close to Broughton Road which provides connections to the city centre and beyond. The area is well connected to open green space with St. Mark's Park and the Water of Leith to the north.

Although traditionally an industrial area, Beaverhall is an area of change, with an increasingly residential character. The north of the area is characterised by residential development, whilst the west, south and east of the surrounding area is a mix of residential, offices and light industrial uses.

Description of the Proposals

The application proposes the demolition of all existing buildings on the site, and the erection of a new mixed use development comprising of build to rent (BTR) residential accommodation and commercial uses. A total of 205 residential units are proposed of which 153 will be market rent and 52 (25 %) are classed as affordable housing which will be pepper-potted throughout the development.

The breakdown in unit sizes proposed are;

Studio units - 55 (27 %)

One bed units - 68 (33 %)

Two bed units - 41 (20 %)

Three bed units - 41 (20 %)

The new building will be between five and seven storey in height with a main frontage to Beaverhall Road and projecting wings to the west.

Proposed materials include a predominantly grey brick front and side elevation, with red metal cladding to accentuate frontages and accesses at ground floor level. Upper levels of the block behind the main frontage will be finished in grey and silver infill panels. To the rear elevation, red brickwork will be used as a finishing material on recessed areas facing the courtyard gardens.

Supporting Information

- Pre application consultation (PAC) report;
- Design and Access Statement;
- Planning Statement;
- Flood Risk Assessment;
- Ground Investigation Report;
- Contamination Desk Study;

- Affordable Housing Statement;
- Air Quality Screening Survey;
- Gas Monitoring Study;
- Noise Impact Assessment;
- CCTV Survey;
- Drainage Strategy;
- Economic and Social Benefits Statement;
- Preliminary Ecological Appraisal;
- Sustainability Statement;
- Townscape and Visual Impact Appraisal (TVIA);
- Transport Assessment;
- Landscape Strategy and Management Plan.

Previous Scheme

The application has been revised during the assessment period with several changes made which are minor in nature and did not raise new material planning issues. These revisions include the omission of the proposed gym and use of this area as additional Class 4 workspace and revisions to the design of floor 6 at the north of the site to reduce the visual impact of the proposed air source heat pumps.

Relevant Site History

21/04608/PAN
27,29 Beaverhall Road
Edinburgh
EH7 4JE

Redevelopment of the site for residential dwellings incorporating affordable homes, private amenity and open space as well as the re-provision of cultural/arts workspace/ commercial space.

Pre-application Consultation approved.
20 September 2021

Other Relevant Site History

No other relevant history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

New Town/Broughton Community Council

Archaeologist

Affordable Housing

Environmental Protection

Flooding

Education

SEPA

Scottish Water

Waste Services.

Transport

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

Publicity and Public Engagement

Date of Neighbour Notification: 7 April 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 22 April 2022;

Site Notices Date(s): Not Applicable;

Number of Contributors: 36

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- 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.

Assessment

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

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

The following HES guidance is relevant in the determination of this application:

- Managing Change : Setting

To the south of the application site on an elevated site are the category A listed (LB 28524), 7-21 Claremont Crescent a terrace of two storey with basement and attic, early 19th century houses. From the rear elevation of some of the houses along Claremont Crescent, there are open views over lower lying buildings to the northwest where the proposed development sits.

The proposed development would sit within and alongside more recent development and would be part of that emerging pattern of new development in the Beaverbank area. The open aspects from the rear of the houses along the terrace would be altered to a slight degree, but the principal façades, which front onto Claremont Crescent would not be affected. This area in which the site is located has seen numerous new residential and commercial developments in recent years replacing earlier industrial buildings.

Street sections have been submitted to show that the maximum height of the proposed development is broadly similar to other recent buildings in the local area.

The revised scheme has also reduced the scale of the proposed air source heat pumps on the 6th storey of the northern end of the block. This has reduced the impact of the development on a local view from St Marks Park and associated views of the New Town Conservation Area and prominent listed buildings, including Broughton St Marys Parish Church.

Conclusion in relation to the listed building

Section 59 (1) the Planning (Listed Buildings and Conservation Areas) (Scotland) (Act) states that the proposals are required to preserve the setting of the listed building including any special architectural or historic interests it possesses. The ability to experience, understand and appreciate the special interest of the listed buildings would not be harmed by the proposed development. The application, therefore, complies with Section 59 of the Act.

a) 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 Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8, Des 11
- LDP Housing Policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6
- LDP Environment Policies Env 3, Env 8, Env 9, Env 16, Env 20, Env 21, Env 22
- LDP Transport Policies Tra 2, Tra 3, Tra 4
- LDP Employment Policy Emp 1, Emp 9
- LDP Delivery Policy Del 1
- LDP Resources Policies Rs 1, Rs 6

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies. Supplementary Guidance set out in Developer Contributions and Infrastructure Delivery is also a material consideration.

Principle

Residential use

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The proposal for residential BTR flats at this site, complies in principle with the requirements of this policy (subject to other policy considerations).

The application proposes a build to rent (BTR) scheme, which is considered a strand of mainstream housing and all relevant LDP policies and guidance apply, including those relating to housing mix, parking, open space and affordable housing.

LDP Policy Hou 6 (Affordable Housing) sets out the requirement for affordable housing amounting to 25% of the total number of units proposed. Affordable housing will account for 25% (52 units) of the proposed new homes. The affordable housing would consist of flatted apartments of a range of sizes from studio to three bedrooms, and these will be distributed throughout the development. This offers a representative and integrated mix of affordable homes delivered on site.

The affordable housing will be delivered by the applicant as "intermediate rent" and would be secured by a Legal Agreement as affordable housing for a minimum of 25 years. Rents would be restricted to Scottish Government's published Broad Rental Market Area 30th Percentile. Rents at the 30th Percentile are affordable to people within the defined client group and significantly less than average market rents.

The application complies with LDP Policy Hou 6. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

LDP policy Hou 2 (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The surrounding area consists of a mixed use area including existing residential uses. The proposed BTR element would provide further accommodation within the area for a range of occupants and complies with LDP policy Hou 2.

Commercial and other uses

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas.

In this instance the existing building has a number of small scale commercial uses. These are mainly small studio and commercial spaces occupied by creative industries. The larger extension block to the west is currently occupied by a gym. The existing employment uses occupy an area of approximately 1110 square metres which includes other uses such as offices and storage. The proposals involve the formation of flexible studio 'creative areas' or commercial uses occupying an area of 1030 square metres on the ground floor of the new block. At this stage, these commercial areas do not have a fixed layout internally, which can be adapted to meet the requirements of future uses and occupiers. It is anticipated that these spaces can be re-let to some of the tenants of the existing building. These studios are restricted as a Class 4 use to avoid potential disturbance to existing neighbours and future occupiers.

The proposals will introduce a mixed-use residential development in an area which is predominantly residential. The proposal will not inhibit surrounding commercial uses. The proposal complies with Policy Emp 9.

Listed Buildings and Setting

The impact on the setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a) above which concluded that this would be preserved. The proposal complies with the objectives of LDP Policy Env 3.

Height, scale and massing

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

The design advice given by the Edinburgh Urban Design Panel is reflected in the proposals. The application encourages more activity at street level, reconfigures the layout and massing of the block into fingers of development, offers a cohesive approach to the public realm and landscaping and proposes an architectural response which reflects on the industrial heritage.

LDP Policy Des 4 Development Design - Impact on Setting states that development should have a positive impact on its surroundings, including the wider townscape and landscape, and impact on existing views, including (amongst other matters) height and form. LDP Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features states that existing characteristics worthy of retention on the site have been incorporated in the proposals.

The spatial character of the area is mixed. The application proposes a building which varies between five storeys and seven storeys in height. Although central parts of the development are six storeys in height, the introduction of some modulated, saw-tooth roof features and a stepped roof profile complement the topographic profile and visual character of the area, with the set back roof level aiding the protection of daylight levels to neighbouring properties. The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context, complying with and LDP Policies Des 3 and Des 4.

LDP policy Des 11 (Tall Buildings) states that development which rises above the prevailing building height will only be granted in specific circumstances. The scheme has been revised to reduce the width of the top storey at the northern end of the proposed buildings which will be used to house air source heat pump fans. The updated Townscape and Visual Impact Assessment (TVIA) demonstrates that revisions will reduce the impact of the proposals on the views of the new town from an area of St Marks Park. Whilst the height and scale in parts has an impact on this existing city view, it is not a designated key view. The revised drawings also include sections to show the height of the proposals in relation to neighbouring developments. The maximum height of the proposed development at its saw-tooth roof feature on the western wings (33.925 AOD) is broadly similar to other modern developments in the area including Canonmills Gardens (31.94 AOD) and Powderhall Brae (31.82 AOD). On this basis, the proposed development would not be overly conspicuous in local and city views and complies with LDP policy Des 11.

LDP Policy Hou 4 Housing Density seeks an appropriate density of development on each site having regard to a number of factors. The approximate density of the proposed development is 368 dwellings per hectare, which is relatively high. This exceeds the density of many recent residential developments in the immediate area. The density is considered appropriate to the immediate site conditions and to the neighbourhood. As explained in later sections, it meets other Council's policies in relation to unit mix, daylight, sunlight, privacy and car parking. This indicates that the proposed density is appropriate, providing efficient use of the site whilst also supporting the regeneration of previously developed land.

The application complies with LDP Policy Des 3, 4, 11 and Hou 4.

Design and Materials

LDP Policy Des 1 (Design Quality and Context) states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. Whilst the elevational treatment of the block is relatively uniform, there are areas which benefit from increased modulation, relief and texture. The use of perforated metal balconies to the recessed areas on frontage on Beaverhall Road, Dunedin Street and the courtyard elevations breaks up the mass of the elevations proposed whilst having a lightweight appearance.

The sawtooth roof form of the western wings and the corner of the proposed roof terrace references the sites industrial heritage, adding interest to the view from Beaverhall Road. The proposed material palette of brick with red features ensures consistency between the elevations. The use of brick and choice of colours references not only the industrial heritage of the site, but also the texture of the neighbouring buildings.

Community security over adjoining streets and open spaces is promoted through a combination of active frontages at ground floor and natural surveillance at higher levels. The ground floor units provide activity to the street. Residents have access to the main entrance, residents amenity including management/lettings, concierge, co-working space, lounge area and private leisure areas. Cycle storage forms a large part of the ground floor footprint.

The design and the proposed materials are suitable for the context and the mix of building forms and elevational treatment provides interest in compliance with LDP policy Des 1.

Public realm and Landscaping

LDP Policy Des 8 Public Realm and Landscape Design supports development where all external spaces and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole. The landscape has been designed to provide a series of relaxed and informal social spaces for residents and visitors to the development. The references in the proposed landscaping to the areas cultural heritage are welcomed. There is an appropriate split between intensive and extensive green roofs proposed which will form an important biodiversity element.

The planting strategy enhances the proposals sense of place and increases the site's biodiversity through the creation of new habitats. By providing a varied species selection, with seasonal interest, it creates a high quality, visually aesthetic environment. The communal courtyard gardens have been designed for a range of uses including recreation, socialising, areas of seating and growing spaces. Trees and plants are proposed to provide structure to the spaces. Informal play opportunities/playful elements and small items of equipment are also proposed as part of the courtyard and roof terrace designs

LDP Policy Hou 3 (Private Green Space) sets out that for flatted developments there should be 10 square metres of open space provision per flat except where private space is provided. The Maker's Yard is more of a publicly accessible community space than private communal open space but is secured at night. The main areas of private communal open space are the Tanner's Yard (albeit this has access from the creative workspaces) on the ground floor and the second courtyard at upper ground level - the Cooper's Yard. The remaining private communal open space is made up from the rooftop terrace at level 5 and the provision of balconies to flats. When each of these elements are considered, the private open space included at this site equates to 8.2 square metres per flat which falls short of that required by LDP policy Hou 3.

The policy does allow for shortfalls in the onsite provision where the number of units proposed is justified by density or appropriate provision or financial contribution is made to implement an identified action in the Open Space Strategy which will address a deficiency in the area. There are no open space deficiencies in the Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) or LDP action programme (2021) which can be attributed to the proposed redevelopment of this site. On this basis, a deviance from LDP Policy Hou 3 is justified.

The EDG target is for 50% of a space to achieve two hours or more of sunlight on 21 March. The daylight and sunlight report confirms that 'All four of the external amenity areas assessed will exceed the BRE overshadowing target criteria on the spring equinox (21 March) attaining at least two hours of direct sunlight to between 54.90% and 97.80% of their footprints against the target of 50%'. Space A1 at ground level achieves 80.83%, Space A3 at ground level achieves 98.07% but Space A2 at ground level only just meets the minimum at 54.90%. Space A1 at fifth floor level attains 97.80%.

Co-ordinated development

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

The Urban Design Panel when reviewing an early version of the proposals encouraged the provision of east west permeability through the site. Outline details have been shown how access can be provided through the Makers Yard to potential development sites on Dunedin Street and Logie Mill. At the present time a through route to Logie Mill cannot be implemented as there is a hard boundary on the neighbouring site, which may be subject to change should this come forward for future redevelopment.

For other areas around the site an indicative plan has been included to show that the proposals should not unduly constrain neighbouring development sites.

Amenity for Future Occupiers

LDP Policy Des 5 (Amenity) sets out criteria for ensuring future occupants have acceptable levels of amenity in relation to noise, daylight, privacy or immediate outlook. In regard to privacy, the guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances. In terms of privacy and outlook, the proposed layout of the development broadly reflects the existing townscape pattern. Beaverhall Road itself is relatively wide and the proposed development is located a sufficient distance away from the existing residential properties so as not to result in any significant overlooking or loss of privacy to the neighbouring dwellings. To the south at Dunedin Street, proposed units will be located approximately 12 metres away from existing residential properties and will have balconies facing these existing units. This window distance can be found in other densely populated areas of the city and is considered acceptable. The application complies with LDP Policy Des 5a).

In terms of housing mix, LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical. The proposal contains a range of house/flat types and sizes. The Edinburgh Design Guidance (EDG) expects that 20% of units should be homes for growing families with at least three bedrooms which the proposal meets. The unit sizes meet the minimum internal floorspace requirements as set out in the EDG.

The EDG recommends that no more than 50% of the total units should be single aspect, although it justifies a limited increase in single aspect units for Build to Rent developments. The proposals provide 40.5% dual aspect flats. This is under the 50% standard, however it is justified by the open plan layouts which allows light to penetrate more deeply into the flats. In addition, 24 of the single aspect flats which face Beaverhall Road will include small side return windows giving an alternative outlook. Therefore, this aspect broadly complies with the EDG.

The daylight to all the habitable rooms in the proposed development have been assessed. The tests were undertaken in accordance with the methodology set out in the EDG. The daylight results show that 440 (89%) of the 495 rooms tested achieve the guideline No Skyline (NSL) values. Of the 55 rooms that do not meet the NSL values, 39 are bedrooms. Each of these bedrooms is directly linked to a living/dining area which exceeds the target levels and will provide future occupants with a good standard of daylight amenity where it is considered 'most important'. The remaining 16 rooms attain direct sky visibility between 17.08% and 44.31% of their floor areas which falls below the 50% minimum standard. The rooms most affected are located on the rear 'fingers' of the development and are at ground and first floor levels. Part of the reason for some of these rooms failing to meet the NSL value includes the provision of balconies to the upper storey flats which will enhance the access to external daylight provision. The build to rent nature of the proposals also encourages an element of co-living, with the inclusion of facilities such as residents lounges and socialising spaces at ground floor including workspaces. These spaces mean that occupiers may spend less time in their individual flats when compared to mainstream residential developments. On this basis the marginal infringement to LDP Policy Des 5 Development Design - Amenity is acceptable.

Planning Advice Note on Noise (PAN 1/2011) advocates a pragmatic approach to the location of new development within the vicinity of existing noise generating uses. On Beaverhall Road opposite the application site is an existing Taxi Club which is a licensed premises and includes a function area with late night use. A Noise Impact Assessment (NIA) has been submitted to assess impact from this source, and other noise sources on habitable windows of the proposed development. Environmental Protection have raised concerns about the potential impact from late night events at the Taxi Club. The area of concern relates to the noise levels created by amplified music and patrons congregating outside the premises.

The Noise Impact Assessment (NIA) submitted with the application includes an assessment of noise levels during an event involving amplified music. The noise levels were not found to breach the required levels with windows open for ventilation. The NIA did not identify any mitigation measures required to be carried out. In relation to noise from patrons outwith the Taxi Club, for example smoking and conversation noise, given that this is an inner city area, these levels of noise sources should be reasonably accepted by future occupants.

In terms of noise source from future occupiers of the proposed Class 4 units and the proposed plant room, revised drawings now include specification details to floors and ceilings to show that this will not impact on future residents.

Given the context of the site, the level of outlook and privacy afforded to future occupiers is acceptable.

Neighbouring Occupiers

The application site is near several residential properties. Representations have been made concerning the development's impact on residential amenity. A Daylight and Sunlight Assessment has been submitted to provide analysis on the impact of the proposed development. Vertical Sky Component (VSC) modelling was used on residential properties directly surrounding the site. The Edinburgh Design Guidance requires this to be more than 27 % or 0.8 of the former value of daylight.

The analysis found that 93% of the 202 windows assessed on existing neighbouring residential properties accord with VSC criteria. For the windows which do not meet the VSC standard, the EDG recommends the use of the Average Daylight Factor (ADF) assessment as an alternative assessment method and this was applied to these 14 rooms, which are spread across four buildings. Following both the VSC and ADF assessments, there are 10 rooms to surrounding properties that do not attain the daylight targets set out in the EDG. Of the remaining 10 rooms, four of them are bedrooms. The BRE notes that daylight to bedrooms is less important than for other room types, due to their nocturnal use pattern. The other six rooms are living/dining spaces attaining ADF values between 0.60% and 1.43%.

Although VSC modelling shows that most existing windows tested satisfy EDG daylight requirements, the ADF assessment shows that development will cause daylight to drop below EDG thresholds in some neighbouring rooms. The proposal is therefore at odds with LDP Policy Des 5. This is largely due to existing daylight levels being already lower than minimum EDG requirements. For example, the rooms to 4 Hatters Lane that do not attain the target sit below a large overhang. This results in the rooms achieving low existing daylight levels and therefore any further small reduction in daylight from the development means that they cannot achieve the target value. The EDG states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable, and that achieving reasonable amenity needs to be balanced against achieving good townscape. Considering the relatively high density of the surrounding context and the prevailing character of the existing townscape, this infringement of policy and guidance is not considered significant enough to merit refusal of planning permission.

No gardens or amenity spaces, as defined in the BRE guide, are located close enough to the proposed development to be adversely affected by overshadowing.

Transport

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

The proposal would accommodate six off-street car parking spaces within an existing parking area of the site, and this complies with the Council's car parking standards. EV charging infrastructure is proposed at each of the parking spaces provided with two of the spaces for blue badge holders.

The site is located quite near to local transport links and has easy access to nearby facilities. The path network in St Mark's Park also provides access to the Warriston Path, a foot and cycle path linking The Shore at Leith with Broughton Road to the west of the proposed development. This path forms part of CEC's Core Path network and National Cycle Network (NCN) Route 75 which locally connects Leith with central Edinburgh and connects with Quiet Routes 11 and 13.

In terms of total numbers, cycle storage provision has been provided in accordance with Edinburgh Design Guidance with a total of 430 spaces provided. A range of internal storage for residents is provided including for standard bikes (72%), cargo bikes (1%) and folding bikes (27%). The main cycle store is located internally towards the rear of the building with access through the parking area or internally via the resident's lounge. Due to the number of cycle parking spaces required, and the relatively limited footprint of the development these are predominantly two tier storage racks. This aspect of the proposals fails to comply with the Edinburgh Street Design Guidance Factsheet C7 Cycle Parking which requires a maximum of 50% of provision to be in the form of two tier racks. However, given the high density of this development as a result of the BTR tenure it is considered that this is an acceptable compromise between the provision of cycle parking spaces, and maintaining an active frontage to Beaverhall Road.

Sheffield stands and lockers for folding bikes are also provided within the covered pend accessing the 'Makers Yard' for the use of visitors and occupiers of the commercial spaces.

The Roads Authority has raised no concern in relation to road safety or cycle parking provision. Given that there are no on street parking spaces proposed, it is not considered appropriate to require the siting of a car club vehicle at this site. Nearby car club spaces are available at two neighbouring sites on Powderhall Road.

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

Sustainability

Policy Des 6 (Sustainability) states permission will be granted for new development where it is demonstrated that: a) current carbon dioxide emissions targets have been met b) features are incorporated to reduce or minimise environmental resource use. A sustainability statement has been submitted including a carbon reduction declaration to confirm the development will comply with current carbon dioxide emissions targets. In addition, low and zero carbon emitting equipment is incorporated including air source heat pumps as a community heating solution and cycle storage to encourage use of a sustainable transport mode. The proposal therefore complies with LDP policy Des 6.

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 site falls within an area which according to SEPA maps is at defined potential risk of surface water flooding. As per the guidance from the Scottish Environment Protection Agency (SEPA), no residential accommodation is located on the ground floor. The first level of residential accommodation is located at 12.1m AOD in line with SEPA requirements.

A Flood Risk Assessment and a Surface Water Management Plan have been provided alongside the associated checklists and certificates required for this scale of development. Flood Prevention has reviewed the information and has confirmed its acceptability.

Scottish Water does not object to the proposals, but has provided advisory notes for the applicant in relation to water and waste water capacity. An informative should be added to any consent requiring coordination with Scottish Water in relation to any required repairs to the network.

Blue/green roof elements and rain gardens are proposed in the open spaces between the building line and footway. In addition, the proposed landscaping within the courtyard performs a surface water attenuation function. An element of below ground cellular storage is proposed within the car parking area to the north which is contrary to the Council's Water Vision. However, given the limited scale of this area, and that this is redevelopment of an existing brownfield site, is considered justified.

Archaeology

LDP Policies Env 8 and Env 9 aim to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable. It has been identified that this site has potential for unrecorded remains therefore a condition could be attached to ensure a programme of archaeological work is carried out prior to /during development to excavate, record and analysis of any surviving archaeological remains that may occur.

The City Archaeologist has requested a detailed historic building survey of the existing factory including specifically details of the existing Egyptian mural to the east elevation. However, given that this is a relatively recent addition in the history of development on this site, this is not considered a necessary request to preserve the cultural heritage of the area.

Waste

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that (amongst other matters) refuse and recycling facilities have been sensitively integrated into the design.

The proposals have been designed in line with the Council's Waste Services guidance and there has been an ongoing dialogue between Waste Services and the applicant. Communal refuse storage is provided within the blocks. A condition has been requested regarding the presentation of bins at agreed locations by the agreed factor/housing team of the development. Given that this would not meet the required tests of a condition, should be noted as an informative to the developer.

Education

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision including education provision as identified in the plan. Education contributions will be applied in accordance the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018), supported by the Action Programme updates, including the update in December 2021. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) requires an assessment of the cumulative impact of all new development on education infrastructure having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment.

The Education Actions in the Action Programme Update (December 2021) were based on data from the 2020 Housing Land Audit and 2020 School Roll Projections. The costs to deliver the education actions were increased to reflect increases in construction costs based on the Council's experience awarding contracts to extend and build new schools and to reflect the Council's commitment to deliver low energy, high quality, Passivhaus buildings.

The Education Appraisal (September 2021) combined two contribution zones (Drummond and Leith/Trinity) in order to review the cumulative and cross boundary impacts of new development in the Bonnington area affecting Broughton Primary School, Leith Primary School and Trinity Primary School and the high schools they are aligned to; Drummond High School, Leith Academy and Trinity Academy. Redevelopment of the Bonnington area has been progressing since a development brief for the area was published in 2008 and is expected to continue. The Education Appraisal (September 2021) considers the housing capacity of sites in the Bonnington area that have not previously been assessed.

The proposed development of 205 flats, of which 82 will be greater than one bedroom, are estimated to generate 10 non-denominational primary school pupils, two denominational primary school pupils and five non-denominational secondary school pupils using the latest pupil generation rates set out in the consultation response on behalf of Communities and Families.

The site is in Broughton Primary School and Drummond High School's catchment areas. If considered in isolation, there is capacity in the existing non-denominational catchment schools to serve this development. Broughton Primary School has capacity for 462 pupils over 16 classes and a baseline projected roll, before pupil generation from potential housing developments, of 335 pupils. Drummond High School has capacity for 600 pupils and a baseline projected roll of 534 pupils.

Potential housing developments in Broughton Primary School's catchment area are cumulatively expected to generate an estimated 311 non-denominational primary pupils. Communities and Families have identified a requirement for a new primary school to serve the Bonnington area to serve potential housing developments affecting Broughton, Leith and Trinity primary school catchment areas and a two-class extension to Broughton Primary School, however it is noted that a new primary school's catchment area is likely to capture existing properties that could remove the requirement to extend Broughton Primary School but may increase the size of a new primary school. A statutory consultation will be required to establish a new school and its catchment area and the secondary school it is aligned to.

For this application site, a consultation response from Communities and Families has requested a total contribution towards education infrastructure (primary and secondary) of £645,750 based on the increased level of potential housing output in the wider area. The Council requires this level of contribution in order to deliver the education infrastructure across the wider area, and to address the capacity issues arising from the cumulative impact of all developments coming forward within the area.

The applicant has indicated that it is premature to the examination of City Plan 2030 and ultimate adoption of the new local development plan, to include new housing allocations for consideration within the context of education infrastructure, as none of the City Plan sites are as yet confirmed or can be relied upon. However, the Council has a duty to provide for the pupils resulting from new development, both planned and windfall. The City Plan sites in this area are all brownfield sites. They are allocated to reflect development trends and pressures in the area. They could come forward for housing development under the policies of the existing LDP 2016 and it is therefore appropriate for the Council to plan to accommodate such development in this way.

The applicant has expressed a reluctance to proceed on the basis of a contribution level of £378,266 for primary school and £267,484 for secondary schools. The levels of contribution for this contribution zone as outlined in the finalised Supplementary Guidance was £856 per flat, £70,192 for 82 flats. While it has been practice to exclude studios and one bedroom flats, this was not done in preparing the per unit rates, so it is arguable that even if using the Supplementary Guidance figure, the sum should be higher than the £70,192 figure. However, the cumulative impact of this development has not been previously assessed and the finalised Supplementary Guidance states a cumulative assessment will be carried out having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment and if appropriate revised actions will be applied. Should development arise as anticipated then any shortfall in providing for pupils would have to be addressed by the Council as contributions cannot be sought from development that has already occurred. If development does not arise in the way anticipated, Section 75 agreements make provision for this and in any case the developer can apply to have the planning obligation modified if a case arises.

The applicant acknowledges that the position regarding education infrastructure capacity in the locality of the site has evolved during the processing of the application through work to directly inform the new City Plan 2030. They are therefore content to undertake further dialogue with the education and planning authorities to agree an appropriate level of contribution fairly and reasonably related in scale and kind to the proposed development, and which reflects the actual impacts of and is proportionate to the proposed development, principally the pupil product comprising of approximately 17 pupils.

Notwithstanding this undertaking, it is the recommendation of this report that the £645,750 sum should be secured. If it transpires that through prior to the legal agreement being signed, the sum to be secured is recommended to be substantively lower, a report would be returned to Committee setting out a further recommendation in respect of that.

Healthcare

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for existing GP practices and it is anticipated that the additional patients can be absorbed into these practices and no new actions are required. In this regard, no contribution is required at this time.

Ecology

The site is existing developed land with little opportunity for habitat. Active bat surveys have been carried out and no evidence of current roosting found on the site. It is recommended that further ecological enhancements are carried out in the proposed building and these should be included as informatives.

Contaminated Land

The site has been developed for commercial and industrial uses for a significant time. These uses have the potential to contaminate the site. Should the application be granted, then a condition could be attached to ensure that the site is made safe for the proposed end use.

Conclusion in relation to the Development Plan

On the whole, the proposals are in accordance with the Development Plan associated guidance. The proposals are an acceptable design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

b) 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 proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet 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.

Equalities and human rights

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

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 - objections

These issues have been addressed above in sections relating to principle, design, height, amenity, neighbouring occupiers, listed building, transport and education.

- Demolition of the existing building is a waste of resources and a carbon emitter;
- Build to rent should be included as part of a mix of tenures;
- Lack of affordable housing/social rent;
- Loss of existing employment/creative uses;
- Overdevelopment of the site;
- Excessive height;
- Excessive density;
- Excessive concentration of high rise flats in the area;
- Design not in keeping with the character of the surrounding area;
- Architecture should be of a traditional design;
- Adverse impact on skyline views;
- Use of active frontages not suitable for creative studios and workshops.;
- Recommendations made by Urban Design Panel have not been taken on board;
- Security of the development;

- Loss of daylight to neighbours;
- Loss of sunlight to garden ground;
- Loss of privacy to neighbours;
- Increased noise levels;
- Increase in antisocial behaviour from future occupiers;
- Need for junction improvements with Broughton Road;
- Insufficient parking proposed;
- Lack of proposed dropped kerbs;
- Impact on existing road congestion;
- Pressure on nearby greenspace - St Marks Park is already overused;
- Pressure on already poor footpaths and roads;
- Failure to retain existing mural which is part of the areas historic and cultural heritage;
- Insufficient provision for local healthcare facilities which are currently oversubscribed;
- Insufficient school infrastructure provision;
- Impact on the conservation area;
- Impact on the setting of neighbouring listed buildings;

non-material considerations objection

- Loss of view from private property;
- Impact on residents during construction;
- Lack of replacement workshop space during construction period;
- Lack of replacement workshop space elsewhere in the city to mitigate overall loss;
- Lack of provision for existing tenants;
- Adverse impact on local property prices.

Support

- Encourage mixed use nature of the site.

New Town & Broughton Community Council - general comments

- Potential for reuse of existing material following demolition as part of new build;
- Site potential part of wider redevelopment scheme so LDP policy Emp 9 requirements for sites over 1 hectare would be applicable;
- Insufficient wider infrastructure including schools and healthcare provisions;
- Lack of provision of homes for social rent.

Conclusion in relation to identified material considerations

There are no equalities or human rights issues and the proposal complies with the SPP Sustainability Principles. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

Overall, the proposals are in accordance with the Development Plan associated guidance. The proposals are an acceptable design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. The proposed commercial use shown on level 00 (drawing 07b) shall be restricted to Class 4 uses as defined under The Town and Country Planning (Use Classes) (Scotland) Order 1997.
3. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out by the applicant 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.
4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground work is commenced on site. A full size sample panel of all facade components should be erected at a location agreed with the Planning Authority.
5. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, public engagement, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority

6. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.
7. The approved drainage arrangement and SUDs provision shall be implemented prior to first occupation.
8. Prior to the occupation of the proposed development, the EV car chargers as detailed in the approved plans shall be installed and operational.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard neighbouring residential amenity and the amenity of future occupiers.
3. In order to protect the development's occupants and human health.
4. In order to enable the Planning Authority to consider this/these matter/s in detail.
5. In order to safeguard the interests of archaeological heritage.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site
7. To ensure the required infrastructure is in place.
8. In the interests of preserving local air quality.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to education and affordable housing, as set out below:

Affordable Housing

The proposal is required 52 units of affordable housing

Education

The proposed development is required to contribute a maximum of £645,750 towards the delivery of those actions in the Drummond Education Contribution Zone.

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

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
5. The drainage drawing highlights that survey of the Scottish Water combined network was not completed due to poor condition of the network. Prior to construction, repairs of the network should be completed to confirm that the network can accommodate the proposed surface water discharge.
6. All waste bins will be presented at the agreed locations for collection by the agreed factor/housing team for the development. The City of Edinburgh Council waste teams or their agreed contractors will not be required to enter the bin stores at any time. Any missed collections due to late presentation or failure to present the bins will be the responsibility of the factor/housing team/residents to deal with/resolve.
7. The applicant should consider developing a Travel Plan including 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
8. The applicant should be advised that, as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013.

See

https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category D -New Build);

9. This consent grants planning permission only. In particular, it does not include advertisement consent.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 31 March 2022

Drawing Numbers/Scheme

01-06, 7b- 14b,15, 16, 17a, 18-25, 26a, 27a

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer
E-mail:rachel.webster@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: New Town/Broughton Community Council

COMMENT: General comments;

1. Reuse of existing materials on site following demolition should be considered;
2. Insufficient provision of replacement workspaces uses, potential for site to be part of a wider redevelopment site;
3. Insufficient consideration given to local infrastructure for education and healthcare;
4. Lack of affordable housing for social rent.

DATE: 19 May 2022

NAME: Archaeologist

COMMENT: No objections subject to condition.

The existing building on site is of local archaeological and historic significance and a historic building survey should be completed prior to demolition. The development the site has a rich industrial dating back to the 19th century and potentially earlier with post-medieval industrial remains known from the wider area. A condition is required.

DATE: 28 April 2022

NAME: Affordable Housing

COMMENT: The applicant has made a commitment to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach which will assist in the delivery of a mixed sustainable community.

DATE: 1 November 2022

NAME: Environmental Protection

COMMENT: Recommendation for refusal. The NIA carried out on behalf of the application does not provide sufficient comfort to guarantee that noise from the taxi club will be inaudible within the application residential properties (with the window partially open for ventilation purposes).

DATE: 1 September 2022

NAME: Flooding

COMMENT: Thank you for providing the additional information. This satisfies our previous consultation response. This application can proceed to determination. We would however recommend adding the following as a condition, if possible.

- The drainage drawing highlights that survey of the Scottish Water combined network was not completed due to poor condition of the network. Prior to construction, repairs of the network should be completed to confirm that the network can accommodate the proposed surface water discharge.

DATE: 18 August 2022

NAME: Education

COMMENT: To mitigate the cumulative impact of development that would be anticipated if this proposal and other urban area sites progressed, the proposed development is therefore required to make a contribution.

Total infrastructure contribution required:

Primary Infrastructure - £378,266
Secondary Infrastructure - £267,484

DATE: 2 August 2022

NAME: SEPA

COMMENT: Based on this information and drawing Access/Egress Strategy Level 05 + Section (2115-SKM-ZZ-05-DR-A-(SK) 153 P02, 30/05/2022), we are satisfied that there is safe pedestrian access/egress to Dunedin Street to the south of the site in a 1 in 200 year event.

The findings of the FRA are comparable with the latest Water of Leith Flood Model Update outputs, which show the Water of Leith remaining in channel in a 1 in 200 year event.

DATE: 1 September 2022

NAME: Scottish Water

COMMENT: No objections. Comment that Scottish Water will not accept any surface water connections into our combined sewer system.

A Flow and Pressure test (F&PT) is required for this development.

DATE: 11 May 2022

NAME: Waste Services.

COMMENT: I am in agreement that a waste strategy has been reached with the below condition.

All waste bins will be presented at the agreed locations for collection by the agreed factor/housing team for the development. The City of Edinburgh Council waste teams or their agreed contractors will not be required to enter the bin stores at any time. Any missed collections due to late presentation or failure to present the bins will be the responsibility of the factor/housing team/residents to deal with/resolve.

DATE: 21 July 2022

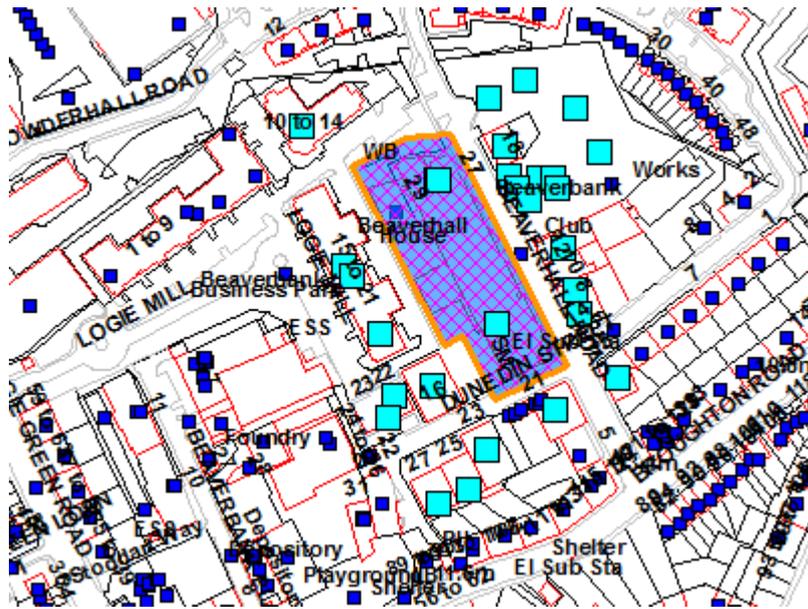
NAME: Transport

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 1 August 2022

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

Location Plan



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