

# Development Management Sub Committee

Wednesday 25 September 2019

**Application for Planning Permission 19/01839/FUL  
At 120 - 122 Colinton Road, Edinburgh, EH14 1BY  
Erection of a new retail unit and 6 residential units (as  
amended, reduced to 5 residential flats).**

**Item number**

**Report number**

**Wards**

B09 - Fountainbridge/Craiglockhart

## Summary

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The proposal is acceptable in principle and the scale, form and design are appropriate within this location. The proposal will not have a detrimental impact on road safety or an unacceptable impact on the amenity of future occupiers or neighbours. The proposal accords with the development plan and is acceptable. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LHOU01, LTRA02, LTRA03, LRET05, LEN22, NSG, NSGD02,

# Report

## **Application for Planning Permission 19/01839/FUL At 120 - 122 Colinton Road, Edinburgh, EH14 1BY Erection of a new retail unit and 6 residential units (as amended, reduced to 5 residential flats).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site lies within the Craiglockhart Local Centre located to the west side of Colinton Road between Colinton Grove and Craiglockhart Road North. The application site comprises three single storey buildings which were previously in use as a public house, convenience store and shop unit and have been demolished. Adjacent to the site is a vacant unit previously used for the display of motor vehicles.

#### **2.2 Site History**

12 February 2019 - Planning permission granted for the demolition of two existing shop units and the erection of a new retail unit and 3 residential units (application reference 18/09815/FUL).

14 June 2018 - Application was withdrawn for the demolition of two existing shop units and the erection of a new retail unit and six residential units (application reference 17/036519/FUL).

#### **Adjacent Site**

3 August 2012 - Planning permission refused for the demolition of the existing garage and re-development for 37 units, access, parking, associated infrastructure and landscaping (as amended) (application reference 16/04062/FUL).

3 January 2018 - An appeal was dismissed by the DPEA as the site does not provide on-site affordable housing, that the scale and proportions of the buildings would not have a positive impact on the surroundings and the design fails to draw on the characteristics of the area by contributing to a sense of place (application reference PPA-230-2212).

11 September 2019 - The Council is minded to grant planning permission for the demolition of an existing garage and redevelopment for 19 residential and two retail units, access, parking, associated infrastructure and landscaping (application reference 19/01107/FUL).

## Main report

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### 3.1 Description Of The Proposal

The application is for the erection of a three storey and basement flatted block. Retail is proposed at basement and ground floor levels and five flats are proposed on the floors above. The five flats comprise four two bed flats and one studio flat. The retail unit is 224 square metres at ground floor level with 189 square metres at basement level.

The proposed block fronts on to Colinton Road. The pitched roof has two double dormers to the front and four single velux windows to the rear. There are no windows on the gables. External steps provide access to the first floor and rear access to the flats. Materials include a stone façade, slate tile roofing and light grey cladding panels.

No parking or open space is to be provided on the site. Twelve cycle parking spaces are proposed at basement level.

#### Scheme One

The original scheme comprised six flats and one retail unit. The number of units has been reduced, changes have been made to the shopfront glazing, sizes of residential units and there is a reduction in the number of dormers.

Supporting Statements.

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services.

- Noise Impact Assessment;
- Design and Access Statement; and
- Sustainability Statement.

### 3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) The principle of the proposed development is acceptable;
- b) The proposed scale, form and design are acceptable;
- c) The proposal raises any issues in terms of amenity for neighbours and future occupiers;
- d) The proposal raises any issues in terms of road safety;
- e) Any impacts on equalities or human rights are acceptable; and
- f) Comments have been addressed.

#### a) Principle

The local centre has a wide range of shopping and other uses ranging from pharmacy, dental surgery, post office, Chinese takeaway, hairdresser and tailor.

Local Development Plan (LDP) Policy Ret 5 (Local Centres) sets out the criteria for retail development being permitted in or on the edge of a town centre. The role of local centres is to provide a basic level of shopping services within walking distances of all homes. The new unit will provide 224 square metres of retail floor space on the ground floor with basement storage below. The proposal is considered compatible in terms of scale and type. The proposal improves the overall appearance of the town centre.

LDP Hou 1 (Housing Development) supports housing development on suitable sites within the urban area. The scale, form and design of the block is considered further in section 3.3 b). The provision of housing is compatible with the ground floor retail use.

The proposed uses are acceptable in principle and comply with LDP Policies Ret 5 and Hou 1.

#### b) Scale, form and design

LDP Policy Des 4 (Development Design - Impact on Setting) sets out the design and layout criteria against which the application is assessed.

The first scheme submitted comprised six residential units. The revised scheme was reduced to five units. This number of units is acceptable.

The proposed building is of a contemporary design, with the predominant materials being stone and glazing to the front and brick and render to the side and rear. This palette of materials is considered appropriate within the context of the site, where there is a mixture of building styles and materials, and will add visual interest.

The height and proportions of the building accord with the height of existing buildings to the south west of the site. The building sits comfortably within its context.

The applicant has provided drawings and visualisations to demonstrate how this proposal fits with the redevelopment of the adjacent garage site.

The scale and design of the proposal is acceptable and complies with LDP Policy Des 4.

### **c) Amenity of Neighbours and Future Occupiers**

LDP Policy Des 5 (Development Design - Amenity) ensures that the amenity of neighbouring developments is not adversely affected and that future occupiers have an acceptable level of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) ensures that development will have no significant adverse effects for health, the environment and amenity.

There is a walkway which provides access from the ground floor, along the side of the property, to the rear of the first floor flats. Users of the walkway will not be able to look directly into residential properties. The walkway is acceptable.

There are no windows on the gables of the property. The windows to the rear of the proposed block overlook proposed open space included within the layout of the proposed adjacent site. This does not have a detrimental affect on neighbouring amenity. Nor will there be a loss of daylight and sunlight into neighbouring properties. The proposal complies with Policy Des 5 in respect of neighbouring developments.

Four out of the five units are dual aspect which complies with the Edinburgh Design Guidance. All of the units meet the minimum standards as set out in the Edinburgh Design Guidance.

Environmental Protection has raised concerns that the amenity of the future occupiers will be impacted from three different sources. The first source is noise impact from the traffic on Colinton Road. This can be adequately addressed through the use of double glazed windows with trickle ventilation secured by a suitable condition. Environmental Protection is concerned that noise from the proposed retail unit below and odour from the adjacent Chinese takeaway restaurant have not been adequately addressed and considers that the application should be refused.

There are numerous examples of residential units located above shops across the city. This form of development is appropriate within a local centre providing an active frontage at street level with residential accommodation below. The proposed development on the adjacent site approved on 11 September 2019 also includes ground floor retail units with flats above. There is no evidence to suggest that the inclusion of a retail unit will have an unacceptable noise impact on the flats above.

In terms of noise, subject to the inclusion of a suitable condition, the proposals accords with LDP policy Des 5.

Environmental Protection is concerned that some windows in the proposed flats will be higher than the termination point of the kitchen flue in the adjacent Chinese takeaway and complaints will be received. The flue from the restaurant is in the centre of the roof of that property and projects above the roof ridge. There are no windows on the gable of the proposed block which face the flue. The applicant has confirmed that the nearest windows will be approximately 13.3 metres from the flue and on elevations which do not face the flue. It is considered therefore that the odour impact will be minimal and there will be no significant adverse impact on the amenity of future occupiers. The proposal therefore accords with LDP Policy Env 22.

No private garden ground will be provided. The wider area provides good access to open space and will provide adequate amenity.

In summary, the proposal will provide future occupiers with an acceptable amenity and will not have an adverse impact on the amenity of neighbours.

#### **d) Transport**

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the standards for car and cycle parking for new developments.

The applicant proposes no parking provision. This is acceptable as the application site is on a main road which is served by public transport. The site is also very close to the Union Canal which has a cycle/tow path. The Roads Authority has raised no objections to this application provided 12 cycle parking spaces are provided. These are shown on the drawings at the south west corner of the basement level.

The proposal is acceptable in terms of Policy Tra 2 and complies with Policy Tra 3.

#### **e) Equalities and Human Rights.**

This application was assessed in terms of equalities and human rights. No impact was identified.

#### **f) Public Comments**

##### Material Representations - Objection

- No parking. Addressed in 3.3 d).
- Use class not provided for retail unit. The use proposed is Class 1 (Shops).
- Walkway looks directly into houses. Addressed in 3.3 c).
- Height and design not in keeping with surrounding properties. Addressed in 3.3 b).
- Flats will look into neighbouring areas. Addressed in 3.3 c).
- Loss of sunlight and daylight into neighbouring properties. Addressed in 3.3 c).
- Six residential units is excessive. Addressed in 3.3 b).
- Flats look cramped. Addressed in 3.3 c).

There is one letter of support.

Craiglockhart Community Council objected to the first scheme which was submitted. It submitted a letter of support for the revised scheme.

## **Conclusion**

The proposal is acceptable in principle and the scale, form and design are appropriate within this location. The proposal will not have a detrimental impact on road safety or an unacceptable impact on the amenity of future occupiers or neighbours. The proposal accords with the development plan and is acceptable. There are no material considerations which outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. Prior to occupation, the mitigation measures as specified in Table 3 of the Airshed Noise Impact Assessment, dated 26 June 2019, shall be installed, namely that high performance windows of specification 40dB RWi with trickle vents(42 dB Dn,e) are required on the first and second floor living rooms. Conventional double glazing of specification 30 dB RWi with trickle vents (33 dB Dn,e) is required for bedrooms on the rear elevation.

#### **Reasons:-**

1. In order to protect the amenity of the occupiers of the development.

#### **Informatives**

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

No developer contributions are required for this proposal.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Eleven letters of representation have been received. Ten letters objecting to the proposal and one letter in support. A full assessment of the representations can be found in the main report in the Assessment section.

## **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development****Plan Provision**

Edinburgh Local Development Plan - The site is located in an Urban Area.

**Date registered**

12 April 2019

**Drawing numbers/Scheme**

01-3C, 04B, 05 ,06, 07B, 08B, 09, 10, 11A, 12,

Scheme 2

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PLACE

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**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

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

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

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

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

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

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

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

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

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

### **Relevant Non-Statutory Guidelines**

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

# Appendix 1

## **Application for Planning Permission 19/01839/FUL At 120 - 122 Colinton Road, Edinburgh, EH14 1BY Erection of a new retail unit and 6 residential units (as amended, reduced to 5 residential flats).**

### **Consultations**

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#### **Transport Response - 17 July 2019**

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant to provide 12 cycle parking spaces at the basement level and complies with Council's minimum cycle parking requirement of 12 spaces for the proposed development in Zone 2.

Note:

- a) Zero car parking provision complies with the Council's parking standards which could allow a maximum of 6 parking spaces for the proposed development. The site is accessible by public transport and zero parking is considered acceptable.
- b) There is parking restriction on the bays adjacent the proposed site.
- c) The applicant should be aware that any service strategy for the proposed retail unit on Colinton Road should not compromise the operation of the existing bus stop.

#### **Waste and Cleansing Services Response - 28 June 2019**

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability. In particular, it is unclear how the bin store relates to the nearest point for the refuse collection vehicle to stop to service them. This should be no more than 10m away.

For high density properties such as these flats, we would usually recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. For 6 flats, this would be 1 x 1280l non recyclable, 2 x 1280l mixed recycling, 1 x 360L glass and 1 x 240L food. It should also be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them, but they must allow 12 week's notice.

### Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

There are no details of what arrangements are in place for the retail unit. It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be separate storage space off street for segregated waste streams arising from commercial activities, outwith those for domestic waste.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

### Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on. Clarification on where the vehicle would stop and where bins might be presented is required. Details of this arrangement will have to be confirmed before any agreement is made.

Initial information on the requirements for waste services is available in the Architect's Instructions, which can be provided for reference.

I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

### **Environmental Protection Response - 3 September 2019**

Environmental Protection cannot support this application and recommends refusal.

The proposed site is to build a residential block with ground floor retail on the site of vacant commercial premises.

Environmental Protection raised concerns that the amenity of the proposed new occupants would possibly be compromised due to noise, from the busy traffic on Colinton Road and from the proposed retail unit below. A Noise Impact Assessment was requested to demonstrate expected standards could be met in relation to both these noise sources. The submitted Noise Impact Assessment (Airshed, dated 26 June 2019) demonstrates that the criterion for road traffic noise would be met with suitable mitigation measures. However, it does not provide any details of assessment of noise from the proposed retail unit.

In addition, there is an existing takeaway close to the proposed residential units, and some unit windows will be higher than the termination point of the takeaway's kitchen flue. There is a risk of odours from the takeaway entering these proposed units and negatively impacting on residential amenity. The applicants have provided no details on how they would propose to mitigate this.

Therefore, we cannot support this application and recommend refusal.

However, should the Committee be minded to grant, we would recommend the following condition be attached:-

1. Prior to occupation, the mitigation measures as specified in Table 3 of the Airshed Noise Impact Assessment, dated 26 June 2019, shall be installed.

