

**Application for Planning Permission 13/03575/FUL
At 29 Beaverbank Place, Edinburgh, EH7 4ET
Demolition of all buildings on site and erection of 41 flats, formation of new vehicle and pedestrian access and car parking, provision of associated open space, landscaping and pedestrian link to Broughton Road Park.**

Item	Committee Decision
Application number	13/03575/FUL
Wards	A12 - Leith Walk

Summary

The proposed development is broadly in accordance with the development plan. Whilst no provision for office space is made within the proposals there is no policy need to support an office use in this location. The departure is considered minor and will not compromise the effective development or regeneration of the wider area. The proposal is acceptable in this location and is of an appropriate scale and design. A new pedestrian link to the existing public park will ensure an acceptable level of amenity for future occupiers of the development. The development will not lead to an unacceptable loss of amenity for neighbouring property or to the occupiers of the development. The development would not prejudice the operation of nearby existing commercial premises. The proposal will not result in any traffic or road safety issues.

Links

[Policies and guidance for this application](#)

LPC, CITH1, CITH2, CITH3, CITH4, CITH7, CITCO2, CITEM4, CITD1, CITD3, CITD4, CITD5, CITD6, CITE17, CITE18, CITOS3, CITT4, CITT5, CITT6, OTH, NSGD02, NSMDV, NSGESS, NSOSS, NSP, NSDCAH,

Recommendations

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

Background

2.1 Site description

The site is to the east of Beaverbank Place. It has an area of 0.17 hectares. There is an existing warehouse on the southern half of the site; the remaining land is unused. The site is relatively flat.

To the south is a 4 storey, traditional brick built tenement building and a publically accessible playground which is accessed from and fronts Broughton Road.

To the north of the site is a two storey, red brick, residential property fronting Beaverbank Place and a building used as a foundry. Recently constructed flats are further to the north and are constructed in brick and render.

To the east are commercial/ warehouse buildings.

To the west and opposite the site are new build flats which have four and five floors, a vacant and undeveloped site and traditional tenements with four and five floors which wrap around the corner onto Broughton Road.

2.2 Site History

20 April 2005 - planning application for 135 residential units and 1700 sqm commercial space (class 4) withdrawn (application number 04/00517/FUL).

20 February 2009 - planning permission was granted for a mixed use development. The proposed uses consisted of student accommodation (337 bed spaces), 24 private housing units, 8 affordable housing units, class 4 business premises (including 3270 sqmetres office space and 3270 sqmetres small business units), 1125 sqms of retail floor space and 2, class 3 catering outlets. The floorspace was to be accommodated within 5 separate blocks. Block A1 fronts onto Logie Green Road, whilst blocks A2, B, C, and D fronted onto Beaverbank Place. A new access road entered the site from Logie Green Road, linking the development to Beaverbank Place. The site of block D is the site being considered for this current planning application. This comprised an office/commercial block with 3 floors. A condition was added which states that 'Prior to the occupation of the residential development written confirmation shall be submitted to the Head of Planning and Strategy which confirms that the new stack on the adjacent

foundry has been installed and is operational' (application number 08/01365/FUL).

25 February 2010 - planning permission was granted to erect an external chimney at the adjacent foundry building as part of a new emission control system (09/02502/FUL).

7 June 2010 - planning permission was granted for material alterations to planning approval 08/01365/FUL to alter the position and layout of parking, omitting the basement to block B, the introduction of parking and deck to block C and the addition of 1 extra study bed and 3 studios (application number 09/01969/FUL).

December 2010 - PAN submitted for the change of use of 336 sqms of class 4 office accommodation located in block C and to the rear of Beaverbank Place to student accommodation (10/03293/PAN).

29 December 2010 - planning permission was granted to vary condition 3 of planning permission 08/01365/FUL and condition 1 of 09/01969/FUL to allow buildings to be occupied prior to completion of the Water of Leith Flood Prevention Scheme (application number 10/03273/FUL).

19 September 2011 - planning permission was granted for an amendment to planning permission to change the use of 389 sqm of class 4 office accommodation located in block C to student accommodation (application number 11/00475/FUL).

23 March 2012 - planning permission was granted for the change of use of 299 sqm of class 4 office accommodation to a fitness centre in block C on Beaverbank Place (application number 11/04124/FUL).

24 April 2013 - enforcement investigation closed for alleged use of the site as a builders yard. The site was found to not be in this use (13/00043/ECO).

10 June 2013 - PAN submitted for a variation to planning application 08/01365/FUL to deliver a reconfigured residential mix, removing the 3 bedroom units, and containing class 1 retail element on ground floor; 24, 1 and 2 bedroom flat units on 3 upper floors and removal of top floor (13/01990/PAN).

3 February 2014 - planning permission was granted for an amendment to planning permission 08/01365/FUL to deliver a reconfigured residential mix; containing class 1 retail element on the ground floor, replacing 24, 3 bedroomed units with 24, 1 and 2 bedroomed units on the 3 upper floors, and the removal of the top floor of block A1 (13/03546/FUL).

11 April 2013 - planning permission was granted to vary condition 9 of planning permission 13/03546/FUL to allow the operation of class 1 retail premises between the hours of 0800- 2200 hours Monday to Saturday and 0900-2200 hours on Sundays. Planning permission was granted for a temporary period of 1 year from the commencement of the use (14/00417/FUL).

Main report

3.1 Description Of The Proposal

The development comprises the demolition of the existing warehouse and construction

of a flatted development of 41 units. The accommodation would be provided in two blocks. Block A comprises 30 units and is located to the north end of the site. The accommodation is made up of 20 x two bedroomed units and 10 x one bedroomed units. Block B has 11 units and is to the south of the site. The accommodation comprises 7 x 2 bedroomed units and 4 x 1 bedroomed units.

Block A is set back further into the site from Beaverbank Road frontage than block B by approximately 5 metres. Block A would have 5 floors and Block B 4 floors.

The buildings would have flat roofs and would be of a simple contemporary design.

Materials proposed are facing brick, render, UPVC windows, single ply roof membrane roof finish in light grey and metal cladding.

Access is proposed from Beaverbank Place. A car park with 13 spaces is proposed. One space would be for disabled parking. Cycle parking is provided in block B with 1 space per flat. Waste disposal facilities are located within block B.

Private gardens are provided to the east of block A for 3 ground floor flats.

A footpath link is proposed from the southern end of the site into the existing public play park which is to the south east of the site. A ramp from the site to the park would be created. A number of planting additions are proposed to the play park as well as some upgrading works.

Revised Scheme

The revised scheme shows revised planting to the front of block A with more suitable species for this location and the introduction of Zinc cladding to the upper roofs. A section of the fence to the rear of the site has been increased from 2.5 metres to 3 metres in height.

Supporting Statement

A Planning Statement, a Design and Access Statement (as revised), a Report on Commercial Noise and a Transport Statement have been submitted in support of the planning application.

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

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, it needs to be considered whether:

- a) the principle of development is acceptable;
- b) the proposed scale, design and materials are acceptable;
- c) the proposal is detrimental to the amenity of neighbours and the proposal provides sufficient amenity for the occupiers of the development;
- d) the proposed parking, access and road safety arrangements are acceptable;
- e) the proposal meets sustainability criteria;
- f) the proposal has any equalities or human rights impacts;
- g) the representations raised have been addressed; and
- h) whether other material planning considerations are acceptable.

a) Principle of Development

The proposal is for a residential development in the Urban Area of the Edinburgh City Local Plan (ECLP) and the Urban Area of the proposed Edinburgh Local Development Plan (ELDP).

Policy Emp4 of ECLP requires that development incorporating uses other than business, industry or storage will be permitted subject to three criteria.

The first of these is that the proposal includes a significant element of new floorspace designed to provide for a range of business users. The site has planning permission for an office development which was part of larger mixed use development proposals. The approved scheme met the requirements of ECLP Policy Emp4 as it included 3262 sq metres of business uses and 3270 sq metres of office space. The current proposal involves the removal of block D (office space) of the consented scheme and makes no provision for business space. The proposal is therefore contrary to this policy and the Development Plan.

The Edinburgh Small Business Study (2011) highlights that there is an active market for small businesses and a need to increase the supply of small business space in Edinburgh. The study states that the inclusion of office space in new development (as opposed to light industrial space) contributes to 'the small business market in the city, but in a marginal way.' The purpose of Policy Emp4 is to contribute 'flexible' business space that is compatible alongside other uses such as residential.

The applicant states that tenants have been sought for the site since 2009 but there has been no interest in taking up the office accommodation granted as part of that Planning permission. This is supported by the fact that there is other office accommodation within the vicinity that has not been let.

Moreover, Policy Emp9 of the emerging local development plan which will replace Policy Emp4 states that development proposals for non-employment uses in the urban area will be permitted subject to three criteria, the final criterion being that the policy is only applied to sites larger than one hectare. As this site is less than that, the requirement for business floorspace would not apply.

The second and third parts of policy Emp4 require development not to prejudice or inhibit activities of any nearby employment use and that proposals should contribute to the comprehensive regeneration and improvement of the wider area. The proposal is

unlikely to prejudice or inhibit the activities of any nearby employment use. The proposed development will improve the area by improving the streetscape through the removal of existing warehouse buildings and will contribute to the wider regeneration of the area by introducing housing.

In conclusion, a residential use at the site is acceptable.

The development would be contrary to the Development Plan. The Council has an interest in the site, but the development is not a significant departure. Notification to Scottish Ministers would therefore not be required. A residential use at the site is acceptable in this case.

b) Scale, design and materials

Design policies seek to draw upon the positive characteristics of the surrounding area to create or reinforce a sense of place. Developments should have a positive impact on their setting, having regard to the positioning of buildings on the site, their height, scale and form, materials, landscape impacts and impacts on views.

The development proposed fits in with the design character of the surrounding area which is a mix of residential and commercial properties of varying size, design, materials and heights.

In terms of the relationship between the development and the immediate area surrounding the site, the building line of the adjacent tenement has been reinforced as Block B reflects this building line. Block A has been set back from the front building line, and this creates a planted amenity space which softens the street frontage.

ECLP policy Hou3- Private Open space requires 10 sqm of communal private open space per dwelling that does not have its own private garden and that 20% of the site is green space. The site is relatively narrow giving limited scope for landscaping and amenity space. Private garden space within the site is limited to 3 ground floor flats. Given the sites constraints, the need to provide car parking on site, and the benefit of widening the street in front of block A, the amenity normally sought could be achieved by other means. In this case it would be by providing a direct pedestrian link to the public park on Broughton Road.

The pedestrian link to the playpark on Broughton Road was removed from the previous planning application for the site on the advice of the Police Scotland due to lack of natural surveillance and security issues. This proposal would provide access to the park which would be gated and secure. The access is supported by policy Des3 criterion a) and f) which state that development should have a comprehensive and integrated approach to the layout of buildings, streets, footpaths and public and private spaces, and that public open spaces should be connected to the wider pedestrian network respectively. The route would be overlooked to comply with part f) of Des3 from occupiers of nearby tenements. The direct access to the park is an acceptable solution in this case to enable occupiers of the new development access to useable amenity space. The applicants have agreed to carry out upgrading works to the existing public playpark. The proposals are acceptable in terms of the landscaping proposed and repair/ upgrading works. Parks and Greenspace has no objection to the proposed works.

The height of the proposed buildings is acceptable. The site is adjacent to a 4 storey tenement building and opposite a 5 storey student accommodation block. The height of block B is at eaves level to the tenement it abuts. The higher building proposed reflects the height of other nearby buildings and is stepped back to provide more space to the street. The buildings at this height and in this position are acceptable.

The design creates an attractive contemporary development, with simple facade and roof details. The design reflects and complements the recently built residential blocks in the area.

The proposed materials are appropriate in an area of mixed materials of brick, stone and render. The introduction of Zinc cladding to the upper floors instead of render will further add to the quality of materials used.

Main door access has not been provided to ground floor flats as the applicant states this would not suit the operational needs of the Housing Association.

Police Scotland raises no objections in terms of the design. The need to carefully design perimeter fencing and access to the park is highlighted to prevent these private routes becoming 'wish' paths. This has been drawn to the applicant's attention.

Full details of the access ramp to connect to the existing park on Broughton Road have been submitted. These show the ramp to be DDA compliant.

The proposal is acceptable in design terms.

c) Amenity of neighbours and occupiers

The proposed residential development is located next to the existing foundry which is to the north of the site. This has an operational furnace chimney which is situated approximately 29 metres from the nearest point of the proposed building block A. Planning permission for a new chimney was granted in 2010 as part of a new emission control system. This had a total height of 12.9 metres above ground level (3 metres above ridge height). This was never implemented and the permission has expired.

SEPA, which regulates the foundry, has confirmed that any future permit will require that odours must not be detected outside the site boundary of the foundry premises. SEPA have confirmed that no odour complaints have been received from the occupants of the student residences which are closer to the chimney than the proposed development buildings.

Environmental Assessment has expressed some concern over the potential for emissions from the foundry operations. However, as with SEPA, it has not received any complaints from residents. Environmental Assessment has no objections provided the foundry continues to comply with SEPA regulations.

The distribution premises to the north-east and the foundry to the north both include commercial operations which can be noisy and have the potential to impact upon the occupants of the proposed flats. The applicants have submitted a Noise Impact Assessment which confirms that the operations associated with both premises normally occur during daytime hours. Associated noise emanating from within the buildings and from deliveries within the delivery yard was found to be within acceptable daytime

limits. However, should night time operations occur there remains the possibility that complaints could be received from potential future occupants. There are other existing residential properties in close proximity to these existing commercial operations and Environmental Assessment confirm that there have been no complaints to date about noise. In addition the applicant has confirmed that a 3 metre high fence is proposed to separate the commercial distribution premises from the application properties which will provide an element of noise mitigation from lower level noise sources should they occur.

The Noise Impact Assessment confirms that potential noise from the foundry to the north of the site and from a distribution company which lies to the east of the site are within acceptable noise limits.

The distribution premises yard to the north east utilises floodlighting within the darker months. Information provided by the applicant concludes that the ground floor properties of the proposed development may be affected by floodlighting glare. The applicants have proposed a 3 metre high fence on part of the eastern boundary which will provide partial protection to the lower flats when viewed from certain angles. Environmental Assessment considers that the number of properties affected by light spillage is minimal. The applicant has confirmed that SEPA have no records of complaints relating to the foundry affecting existing light sensitive premises.

There would be overshadowing to the property to the north; this would fall onto the access drive to the foundry and part of the foundry building. There would therefore be no adverse loss of amenity in terms of overshadowing.

There will be a small amount of overshadowing to the garden area from Block B on the garden of the existing tenement. This is south facing and the impact of this will be minor.

Privacy distances would be breached to the rear of block A; the building is 7.5 metres from the site boundary at its nearest point. This is acceptable in this case as only commercial premises are affected.

In all other respects privacy distances are met.

d) Parking, access and road safety arrangements

ECLP policy Tra4- Private Parking requires that parking provision complies with and does not exceed the parking levels set out in supplementary guidance. Lower provision will be pursued subject to consideration of 6 criteria. The proposal includes 13 car parking spaces. Current parking standards would require a minimum of 33 spaces. There would therefore be a shortfall of 20 spaces.

However, taking into account the proximity of public transport, local shops, educational facilities, the availability of on-street parking and the existing tenements in the area, 13 spaces are acceptable for this development.

The proposals include 41 bike racks which meet the requirements of policy in terms of number and storage design.

Transport raises no objection to the proposed scheme subject to conditions on car

parking design and footway crossing details.

e) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of Part A of the Edinburgh Standards for sustainable buildings.

SEPA has advised Surface Water Drainage arrangements should be designed in accordance with Sustainable Urban Drainage (SUDS) principles. This is a matter that can be secured by an appropriate condition.

f) Equalities and Human Rights Impacts

This application was assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

g) Public comments

Material representations

Building height in relation to narrow width of street will create a dark canyon effect. Block B will be lower than the existing tenement to which it abuts. Block A will be higher than block B but is set back from the pavement which will open up the street, provide more space and provide more light to any future development on the site opposite the site.

There is a gap of approximately 9 metres between block A and the existing house to the north on Beaverbank Place. This block is of a similar height to other buildings in the area. The building heights will not look out of proportion within the area;

Design. More varied roofscape, top floor set back would lessen impact of building height and allow more daylight to reach the street. The design is simple and reflects the design of other new developments in the immediate area. It would not detract from the quality of the local environment;

Materials. The use of brown brick would not create a coherent streetscape; the use of buff brick would match other buildings. There are a variety of building materials in the immediate area. The use of brown brick would not detract from the character of the area.

Community Council Comments

No comments were received from the New Town/ Broughton Community Council.

h) There are any other material planning considerations

Affordable Housing

In terms of Affordable Housing Policy, 10 of the total number of units would be required to be of an approved affordable housing tenure(s). The applicants will provide 100%

mid rent affordable housing at the outset, with 25% of the homes being retained as approved affordable housing tenures in perpetuity. Housing welcomes this approach. Affordable housing provision will be secured by a legal agreement.

Education

Education requires a financial contribution of £13,152 to help alleviate accommodation pressures on Broughton Primary School. This would be secured by a legal agreement.

Environmental Impacts

SEPA have confirmed that the SUDS proposal outlined are acceptable in terms of water quality. Bridges and Structures are satisfied that the applicant has taken all reasonable measures to reduce the risk of surface water flooding, and that the risk will be lower than for existing buildings. The site is in an area of medium to high risk in terms of flooding. The Water of Leith Flood Prevention Scheme has been completed in the area. Bridges and Structures confirm that the application is satisfactory in terms of flood prevention.

City Archaeology recommend a condition is attached to secure and implement a programme of archaeological work in accordance with a written scheme of investigation.

CONCLUSION

In conclusion, the proposals broadly comply with the development plan. The lack of business space provided is justified in this case when ECLP policy Emp4 is read in conjunction with Policy Emp 9 of the emerging ECLP. The proposal is acceptable in this location and is of an appropriate scale and design. The development would not result in any unacceptable impact on the amenity of neighbouring property, would not prejudice the operation of nearby commercial property, or be detrimental to the occupiers of the development. The proposal would not result in any traffic or road safety issues. There are no other material considerations which outweigh this conclusion.

The recommendation is subject to a legal agreement to secure a financial contribution towards works to alleviate accommodation pressures at Broughton Primary School and to ensure a minimum requirement for affordable housing is met.

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

3.4 Conditions/reasons/informatives

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.

3. The approving landscaping scheme for the site and park (as detailed in 3.4 of the Revised Design and Access Statement) shall be fully implemented within six months of the completion of the development.

4. The proposed access ramp from the site to the nearby public park as shown on drawing 195/L/01 of the Design and Access Statement dated September 2013 RevA and detailed on drawing 12 shall be implemented prior to the occupation of the development.

5. The proposed increase in height of the fence as shown on drawing 13 shall be implemented prior to the occupation of the development.

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.

3. In order to ensure that the approved landscaping works are properly established on site.

4. To ensure the pedestrian link from the site to the park is provided to a high standard.

5. To protect the amenity of occupiers of the proposed development.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. 1. A lighting column adjacent to block B may be required to be moved. This will be at no cost to the Council.

2. New build properties in this location are eligible for one residents' permit per property only (in accordance with the decision of the Council's transport and Environment Committee of 4th June 2013, item 7.7.

3. Hardstanding should be constructed in a porous material to comply with 'Guidance for Householders'.

4. Prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured.

5. The works to form a footway crossing must be carried out in accordance with 'Development Roads- Guidelines and Specification'.

5. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity

6. The development shall be carried out in accordance with the measures identified in the approved Sustainability Statement Form. The applicant should submit a Self Declaration Form to the Head of Planning and Building Standards on completion and prior to occupation unless otherwise agreed.

7. A legal agreement has been concluded in respect of this application and is available to view on the Council website

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

The application was advertised as a potential departure on 11th October 2013.

The Cockburn Association object to the proposal due to proposed building heights being out of proportion within the area, the design detracting from the quality of the local environment, and the inappropriate use of the colour of the brick proposed.

Background reading / external references

To view details of the application go to

[Planning and Building Standards online services](#)

Statutory Development Plan Provision	Edinburgh City Local Plan The site is in the Urban Area. The play area to the south east is an area of Open Space. Local Development Plan The site is within the Urban Area. The play area to the south east is an area of Open Space.
Date registered	5 September 2013
Drawing numbers/ Scheme	1-8, 9a-11a, 12, 13 Scheme 2

David R. Leslie

Acting Head of Planning and Building Standards

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing

density levels in new development.

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

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

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Os 3 (Open Space in New Development) sets out requirements for the provision of open space in new development.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Other Relevant policy guidance

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 and landscape, in Edinburgh.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design

criteria for road and parking layouts.

Non-statutory guidelines 'The Edinburgh Standards for Streets' sets out principles and guidance whose aim is to achieve a coherent and enhanced public realm.

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Consultations

SEPA comment

We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority. Please note the advice below.

Advice for the planning authority

1. Flood risk

1.1 Review of the Indicative River and Coastal Flood Map (Scotland) shows that the development site may be at risk of flooding from the estimated 1 in 200 year flood event. We would highlight that the Indicative River and Coastal Flood Map (Scotland) does not take into account flood protection schemes.

1.2 This general area of Edinburgh was flooded in April 2000 by the Water of Leith. Floods of similar magnitude were also experienced in August 1920 and August 1948.

1.3 The City of Edinburgh Council are currently erecting a flood protection scheme on the Water of Leith and it is our understanding that the section of scheme which will offer protection to the development site has been completed. As a result, we offer no objection to the proposed development. We strongly recommend that contact is made with the flood prevention officer at City of Edinburgh Council to establish suitable finished floor levels and freeboard allowances.

1.4 We recommend that consideration be given to the use of flood resilient and resistant materials in the construction of the building.

2. Surface water drainage

2.1 The treatment of surface water runoff by sustainable drainage systems (SUDS) is a legal requirement for most forms of development, however the location, design and type of SUDS are largely controlled through planning. As responsible authorities under 2(2) Water Environment and Water Services (Scotland) Act 2003, planning authorities are required to work to prevent deterioration in and promote improvements in Scotland's water environment. Ensuring development sites are serviced with appropriate SUDS is one of the key ways in which SEPA consider planning authorities can discharge these duties. We encourage surface water runoff from all developments to be treated by SUDS in line with Scottish Planning Policy (Paragraph 209), PAN 61 Planning and Sustainable Urban Drainage Systems and PAN 79 Water and Drainage.

Further comments received 27th November 2013

Further to SEPA's response to the above application SEPA Ref: PCS/128917 dated 02

October 2013, it has been brought to our attention that there is a use to the north of the proposed development site in which the odour emissions and certain visible dust elements from the process will require to be regulated by SEPA under a Pollution Prevention and Control (Scotland) Regulations 2012 Part B Permit. The process at this neighbouring site has been regulated by a different regulatory regime thus far and there have been no recent recorded complaints regarding odour. It should be noted that the applicant of this site is in the process of applying for a Part B Permit. It is for the planning authority, as the determining authority to judge as to whether or not further assessments are required to assess the impacts of this neighbouring development on the proposed development.

Affordable Housing comment

Services for Communities, drawing upon the independently-researched Lothians Housing Need and Demand Assessment, have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

This application is for a development of 41 residential units and as such the AHP will apply. 25% (10) of the total number of homes would be required to be of an approved affordable housing tenure or tenures.

Edinburgh has proved to be innovative in embracing new financing models in recent years, and this has seen record numbers of affordable homes being built, across all Wards of the city, even during the economic downturn and set against a backdrop of significant cuts in the budget for construction of affordable housing (often known as Grant or HAG money). The developer in this application is proposing to develop the 41 homes using one such approach, called the Resonance model, which has been successfully employed in other developments in the city (winning awards for innovation and affordable housing delivery at Brunstane Court for example).

On page 18 of the Design Statement for this application, the developer quite succinctly sets out how this approach works. The Resonance model is a timely and successful approach to providing housing for people often thought of as "key workers", namely those who are in employment and who earn between the minimum wage and median income levels in the city (typically those households earning between £10,000 and £36,000). Experience from other developments suggests that many of the eventual inhabitants of this development will be people who run self-employed local businesses in the private sector (often sole traders), who hold lower paid jobs within the private sector locally, or who are in public sector professions such as teaching, the police and fire services.

In recent years the two principle barriers to accessing housing in the Broughton area for groups within this income band have been the lack of affordable housing and the high deposit requirements for mortgages which have priced such groups out of the local housing market. In recent years, according to CityLets and LettingWeb, there has also been a trend towards significant increases in private market rental levels. People

within this earnings bracket are also unlikely to be successful in applying for social rented housing, given the intense pressure that Council and housing association waiting lists experience in a city like Edinburgh. This earnings group have therefore found themselves increasingly priced out of all housing options in the city, including the Broughton area.

The Resonance model addresses this issue quite cleverly. While only 25% of the homes would be need to be secured as affordable housing, under the Resonance model the affordable housing supply receives an initial "windfall" as all 41 of the homes will begin as an affordable tenure. They will be made available as mid market rented properties, priced at a point below Local Housing Allowance levels in Edinburgh, which tends to be around midway between rent levels for social rent and market rented properties in the city. To be eligible to rent these properties the household must be earning (taxable earnings) between minimum wage and median income levels (which is updated annually and currently sits at £36,025 in Edinburgh).

Over time, 75% of the homes will be sold off, with the sitting tenant having first option to buy. That allows time and certainty for the sitting tenant to overcome the primary obstacle facing first time buyers: saving for a sufficient deposit payment. That helps with continuity within the neighbourhood as tenants moving in will often have one eye on putting down roots in their flat and in the local neighbourhood, assisting with the aim of creating a mixed, long term sustainable community in this new development.

With up to 75% of the homes being sold off, that still leaves the required 25% of the homes to remain as affordable housing in perpetuity, making this financial model a very attractive approach from the Council's point of view. Those 25% affordable homes will be managed and maintained by an excellent local Registered Social Landlord, Dunedin Canmore HA. Dunedin Canmore have worked with Rettie & Co and Springfield Properties on similar Resonance model developments elsewhere in Edinburgh (notably Brunstane) winning a number of awards in the process.

The applicant's commitment to provide 100% mid rent affordable housing at the outset of this development, with 25% of the homes being retained as approved affordable housing tenures in perpetuity, including some RSL properties, is warmly welcomed by the Department. Should the applicant be successful in achieving planning permission for this development then the proposal in terms of the number of affordable homes is acceptable and will make an effective contribution to meeting affordable housing need in Broughton, which has a low existing level of housing that is affordable for groups earning between median income levels and minimum wage.

This affordable housing will be secured through a Section 75 Legal Agreement thus assuring the delivery of affordable housing for this site, and we would ask that this is added to the Informatives Section of the Committee Report.

Archaeology comment

The proposed development site lies within an area particularly associated with Edinburgh's 19th century industrial past. The 1853 1st Edition OS map of the site shows the site still relatively open, with the open fields possibly the remnants of earlier 18th century beach-fields associated with nearby Logie Mill (1757), with the site bisected by a mill lead. By the late 19th century the site was occupied by an industrial

buildings associated with a tannery & skinnery which was converted in to a cooperage by 1908.

Accordingly the site is considered to occur within an area of archaeological interest. Therefore this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The results of the archaeological investigations carried out by Headland Archaeology on the adjacent recent housing developments have demonstrated that significant archaeological remains associated with the 18th century mill lades and Victorian industrial heritage survive in situ. It is therefore considered likely that such remains will survive across this site and be impacted upon by development, however such an impact is considered to be on the whole moderate given the presumed nature of the deposits. It is however essential that along with a photographic and written record of the surviving Victorian brick boundary walls (the remains of the earlier industrial tannery) that the site is investigated prior to development and that any archaeological remains are excavated and recorded.

Accordingly it is recommended essential that the following condition is attached to this consent to ensure that completion of the programme of archaeological works on this site.

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

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

Transport comment

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 2. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
- 3. Any gate or gates must open inwards onto the property;*
- 4. Any hard standing outside should be porous, to comply with 'Guidance for Household' published in December 2012;*
- 5. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured;*
- 6. The works to form a footway crossing must be carried out in accordance with*

"Development Roads - Guidelines and Specification".

Notes:

- 1. A lighting column adjacent to Block B may require to be moved. This must be at no cost to the Council;*
- 2. Current Council parking standards in this area would require a minimum of 41No. spaces for 41No. private residential units. It is understood that the proposed development is to include 25% affordable accommodation requiring approximately 3No. spaces with a further approximately 30No. spaces for the private element. The development proposes to provide 13No. off-street spaces in total, approximately 20No. spaces fewer than current standards would require. Transport is of the opinion that, taking into account the proximity of public transport, local shops, the availability of on-street parking and the existing tenements in the area, 13No. spaces will be sufficient for the development;*
- 3. New build properties in this location are eligible for one residents' permit per property only (in accordance with the decision of the Council's Transport and Environment Committee of 4 June 2013, Item 7.7)*

Scottish Water comment

Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at www.scottishwater.co.uk.

Glencorse Water Treatment Works currently has capacity to service this proposed development.

Water Network - Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

Edinburgh Waste Water Treatment Works currently has capacity to service this proposed development.

Wastewater Network - Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

Scottish Water is funded to provide capacity at Water and Waste water Treatment

Works for domestic demand.

Funding will be allocated to carry out work at treatment works to provide growth in line with the Local Authority priorities. Developers should discuss delivery timescales directly with us. Developers should discuss delivery timescales directly with us.

If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.

Parks + Greenspace comment

No objections.

Children + Families comment

Our comments are based on a residential development of 41 flat of which 14 are proposed to be one bedroom.

This site is located within the catchment areas of:

*Broughton Primary School;
St Mary's (Edinburgh)RC Primary School;
Drummond High School; and
St Thomas of Aquin's RC High School.*

There is currently spare capacity at Drummond High School and in the RC sector management controls will be applied as necessary to give priority to baptised Roman Catholics where there are accommodation pressures.

Broughton Primary School is currently operating beyond capacity and developer contributions are sought to help alleviate these accommodation pressures.

In line with the Council's developer contributions policy, a contribution of £13,152 would be required. In assessing the contribution I have only counted 5 one bedroom flats rather than 14 so the contribution is assessed on 32 flats rather than 41 (a maximum of 10% of 1 bedroom flats are set against the overall total).

Payment of contributions will be index linked to the BICS All in Tender Price Index with a base date of October 2009.

Police Scotland comment

It is recommended that the development seeks Secured by Design accreditation.

Recommendations:

- The perimeter of the site will have to be carefully considered in terms of access control into the car park area and into the playground, both access points have to be controlled in order that this 'private' area does not become a 'wish path'.*
- The fence line and planting around the perimeter is also important to ensure security of the private area.*
- The bin store door should ideally be positioned facing directly onto Beaverbank Place*
- this ensures that any access control applied to the rear of the premises is not hampered by the position of the bin store.
- Good illumination will be an important aspect of the development.*
- For residential properties the standards for doorsets and windows are PAS 24 with impacted tested laminate or 6.4mm laminate glass at ground floor and accessible windows.*
- Post Delivery to flats should either be by means of a mail box which allows delivery of mail from outside the premises and collected by residents inside or an 'airlock' created with an outer door with an access control button and an inner door with no access control button but mail delivery boxes located between the two doors.*
- Ideally meter reading should be done by service providers electronically (remotely) or from outside the stair so that access is not required into the premises.*
- The proposed cycle storage is one large facility for all the properties, which from previous experience will not be used as intended as too many people have access and cycles are either dumped, stolen or stripped of parts.*

Cycle storage be compartmentalised so that the facility is accessed from within each stair. Due to the current design this can only be achieved if the facility is further subdivided, with solid dividing walls and a single leaf entrance door (PAS 24 or 44mm solid core door with a mortise lock to BS3621:2007) with cycle stands, not cycle racks as a cycle rack simply supports the cycle it does not give a facility to lock it correctly to.

Alternatively cycle lockers could be used accredited to LPS 1175 SR1.

Only residents with cycles should be given access to the cycle store, this should be a request overseen by the factor or landlord.

Environmental Assessment

The application proposes to demolish existing warehousing and erect 41 flats.

Residential properties are situated to the south with a foundry to the north. Distribution premises including a delivery yard is situated to the north-east with a playground to the east. Residential properties, including a brownfield site consented for residential, are situated across Beaverbank Place to the west.

The distribution premises to the north-east and foundry to the north both include commercial operations which can be noisy and have the potential to impact upon the occupants of the proposed flats. A noise impact assessment has therefore been provided in support of the application which confirms that the operations associated with both premises normally occur during daytime only. In this regard, associated noise emanating from within the buildings and from deliveries within the delivery yard was found to be within acceptable daytime limits. Both of the surrounding commercial premises could operate at night time at some point in the future should they wish to do so. Should night time operations occur then there remains the possibility that complaints could be received from the occupants of the application properties which in itself may restrict the operations of the existing commercial premises. However, other noise sensitive premises exist in the local area which could also be affected by night time noise, albeit slightly further away. Therefore, on balance the addition of the application properties is unlikely to unreasonably restrict the operations of the surrounding commercial premises and should night time noise complaints be received from the occupants of the application premises then they can be investigated by the Council Noise Team in an attempt to address any issues. In addition, the foundry to the north already has student residential properties situated around 16 metres from it to the north. To date, no complaints of noise have been received by the Council Noise Team from the foundry or the distribution premises affecting the nearby student residences. The foundry operations are also regulated by SEPA who have confirmed that no noise complaints have been received by them in this regard. The agent has confirmed that a three metre high fence is proposed to separate the commercial distribution premises from the application properties which will provide an element of noise mitigation from lower level noise sources should they occur.

The foundry to the north has an operational furnace chimney which is situated around 29 metres from the application development albeit the chimney dispersion point is lower than the application premises. Odours and fumes (leading to localised decreased air quality) are likely to be expelled from the chimney and could affect the proposed residential properties if they are too close to the chimney dispersion point. The foundry is permitted by SEPA which is currently reviewing the permit required by the foundry operator. SEPA has confirmed that any future permit will require that odours must not be detected outside the site boundary of the foundry premises. However it remains unclear as to whether this development is likely to add further pressure on the foundry operations even though the associated operations are controlled and conditioned by SEPA. A student residential block is currently situated around 14 metres from the foundry chimney to the north-west and to date SEPA has confirmed that no odour complaints have been received from the occupants of the student residences. The student residences were given consent under application 08/01365/FUL and SEPA were consulted on that application. At that time, SEPA advised that constructing a residential development close to an industrial process could introduce a number of problems into an area which did not previously exist. Specifically, new residents may complain about noise, odour, lighting, traffic and poor air quality. In effect, this has implications both for the proposed flats in terms of risk of complaints from residents but also in terms of regulating foundry emissions. In extreme cases, inappropriately designed residential buildings near to industry can impose an impracticable emission abatement requirement on the industrial process which could close the business. SEPA confirmed within the 2008 application that a minimum distance of 11 metres from the

foundry chimney is required to address SEPA's concerns. However, SEPA also state that the stack height for discharging emissions to air from the foundry furnaces would require being at least 3 metres above any opening window or ventilation air inlets within a distance of approximately 30-40 metres of the foundry stack. This would appear to indicate that guarantees cannot be given that odours or noxious fumes will not affect the application premises. For these reasons, Environmental Assessment recommends that SEPA are consulted on this issue to provide a definitive response as to what is required to ensure that the foundry operations will be adequately protected. It is worthy of note that the SEPA permit of the foundry is likely to require fumes and odours to be at stipulated levels at the site boundary. Therefore, this would indicate that the requirements applied to the foundry will not change whatever premises surrounds the foundry site and provide a level of comfort to this section that the application premises will not unduly impact upon the foundry operations. SEPA has also indicated that the foundry is undergoing a review of its permit which will ultimately ensure that the foundry operations are up to the latest standards and requirements. Therefore, in an attempt to provide further security against the application premises unduly impacting upon the foundry, the planner has advised that a condition will be attached to any consent which ensures that no development will begin until the applicant confirms that the foundry operations are compliant with the latest permitting requirements of SEPA.

In conclusion, in terms of residential amenity protection due to poor air quality and bearing in mind that the application premises are nearly double the distance from the foundry in comparison to the existing student residences, it follows that this application should not add unreasonable additional pressure on the foundry operations in meeting their regulatory obligations. Vice versa, it can be concluded that the additional distance of the application premises from the foundry stack would indicate that amenity is unlikely to be affected by odours or fumes from the foundry chimney emissions. However, it is recommended that a definitive response is provided by SEPA specifically in relation to air quality emissions. Such a response would provide confidence to the Council when attempting to ensure that the foundry operations will not be affected by the siting of this development.

The distribution premises yard to the north-east utilises floodlighting within the darker months. Such floodlighting could cause glare to affect the proposed residential properties. Therefore, the agent has provided further supporting information assessing the existing surrounding floodlighting affecting the site. The information indicates that floodlighting within the distribution premises yard are old and not particularly well baffled. The direction of the lights is such that the proposed ground floor residential properties may be affected by floodlighting glare. In an attempt to mitigate the glare, the agent proposes a three metre high fence on the eastern boundary which will provide partial protection to the lower flats from the floodlighting glare and light spillage when viewed from certain angles. Whilst this will provide only partial protection to the flats, the number of properties potentially affected is likely to be minimal. Therefore, this section is of the opinion that should the adjacent floodlighting become problematic in the future, it is unlikely to be unfairly onerous on the KIDD premises to fit baffles to address the problem. In addition, the agent has confirmed that SEPA has no complaints on record relating to the foundry affecting existing light sensitive premises and it is understood that the foundry has limited external lighting which could impact upon the proposed development.

Therefore, Environmental Assessment has no objections to this proposed development subject to the following condition:

Prior to the commencement of construction works on site:

(a) A site survey (including intrusive investigation where necessary) 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.

Addendum

As stated above, Environmental Assessment has no objections to the approval of the application subject to the recommended condition being attached to any consent.

NB. However, should the above condition not be applied to any consent, Environmental Assessment will require to review the recommendation. In such event, it is imperative that this is notified immediately to the Environmental Assessment case officer.

END