

# Development Management Sub Committee

Wednesday 29 May 2013

**Application for Planning Permission 12/04041/FUL  
At 10 Brunswick Road, Edinburgh,  
Proposed flatted development and commercial units with  
associated bike, bin and water storage (as amended).**

Item number

Report number

**9.1**

Wards

A12 - Leith Walk

## Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD3, CITD4, CITD5, CITD6, CITE9, CITE12, CITE17, CITE18, CITH1, CITH2, CITH3, CITH4, CITH7, CITEM4, CITT2, CITT3, CITT4, CITT5, CITT6, NSG, NSP, NSDCAH, NSDOP, NSESBA, NSESBB, NSGD01, NSQULA,

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# Executive summary

## **Application for Planning Permission 12/04041/FUL At 10 Brunswick Road, Edinburgh, Proposed flatted development and commercial units with associated bike, bin and water storage (as amended).**

### Summary

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The proposal complies with the development plan and the proposed residential use and the small commercial space is acceptable.

The proposal is of an appropriate scale, form and design. It will not result in an unreasonable loss to neighbouring amenity and an acceptable level of amenity will be afforded to future occupiers. The proposal is acceptable in relation to transport and a lower level of car parking spaces is acceptable given the site's location and the inclusion of city car club spaces. The development is acceptable in all other respects, subject to a legal agreement and conditions.

There are no other material considerations which outweigh this conclusion and it is recommended that the application is granted.

### Recommendations

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It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

### Financial impact

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The application is subject to a legal agreement for developer contributions.

### Equalities impact

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

### Sustainability impact

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This application meets the requirements of the Edinburgh Standards for Sustainable Building.

## Consultation and engagement

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### Pre-Application Process

Pre-application discussions took place on the proposals and advice was given on the principle of development, design and layout, transport issues and required supporting information.

In accordance with the Planning etc (Scotland) Act 2006, a Proposal of Application Notice was submitted and registered on 27 April 2012 (planning reference 12/01514/PAN). Copies of the notice were also issued to:

- Leith Central Community Council
- Leith Neighbourhood Partnership
- McDonald Road Library
- Leith Library
- All Local Ward Councillors

A consultation event was held at McDonald Road Library on 4 June 2012 between 4pm and 8pm.

Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online service.

A pre-application report on the proposals was presented to the Development Management Sub-Committee on 20 June 2012. Members noted the key issues and additionally asked that these should include the mix of units and location of affordable housing, the usability of green space in the development, parking provision and its location and the views of the design champion.

The proposals were submitted to the Edinburgh Urban Design Panel (EUDP) on 27 June 2012. Full details of the response can be found in the Consultations section.

### Publicity summary of representations and Community Council comments

The proposal was advertised on 30 November 2012 and attracted a total of 14 representations. This included 11 from the general public and comments from the Allanfield Residents Association who have also administrated a 116 signature petition, the Dicksonfield Owners and Residents Association and also the Cockburn Association.

Material representations:

- Principle of development - lack of business space, lack of local amenities;
- Design - quality and coherence, density, height, massing, materials, and mix of units;
- Amenity - overlooking, overshadowing and loss of privacy, proximity and general noise and anti-social behaviour;
- Open space and landscaping - unclear distinction between private and public, street scene and over dominant car parking;
- Transport - access, traffic safety and congestion, car parking levels, pedestrian and cycle permeability, impact on local bus service;
- Flooding;

- Sustainability;
- School Capacity;
- Air quality; and
- Consultation process.

Non-material representations:

- Loss of private views;
- Decrease in property values;
- Issues relating to construction stage;
- Developer has no legal right to open up pedestrian access through to Allanfield;
- Past assurances stated development should not be higher than height of former Royal Mail building; and
- Changes in the proposal from the pre-application consultation stage.

No comments were received from the community council.

Scheme 2 was neighbour notified on 2 April 2013. A further four representations were received, one from the Allanfield Residents Association and the other three from neighbours. These raised the following further material representations:

- Principle of development - the inclusion of commercial units.
- Design - concept differs from that presented at the EUDP.
- Consultation - failure to specify changes made and differences from the pre-application stage.

## **Background reading / external references**

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- [To view details of the application go to](#)
- [Planning and Building Standards online services](#)

## **Application for Planning Permission 12/04041/FUL At 10 Brunswick Road, Edinburgh, Proposed flatted development and commercial units with associated bike, bin and water storage (as amended).**

### **1. Background**

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#### **1.1 Site description**

The site is approximately 1.64 hectares in size and is a long triangular shape. Brunswick Road runs along the southern perimeter of the site with Allanfield to the east and north.

The site is currently accessed from the east and west of the site.

The site is mainly surrounded by established residential development with flatted properties to the north at Allanfield and a mixture of two to four storey housing to the south on Brunswick Road. The B listed Leith Walk Primary School is to the southwest of the development (ref 43685, listed 12 December 1974). Further east is the more recent residential development which rises up to six storeys.

The site formerly accommodated the Royal Mail Sorting Office which has now been demolished. The site, although relatively flat itself, sits below Brunswick Road ranging from 1m at the east and west of the site to 4.5m - 5m near the centre. There is an existing wall and existing landscaping on the bank side adjacent to Brunswick Road.

#### **1.2 Site History**

20 August 2002 - permission granted for the formation of a disabled access ramp from the fire exit door on the south elevation (planning reference 02/02575/FUL).

3 March 2010 - a Proposal of Application Notice was submitted describing a proposal for planning permission in principle for up to 200 flats and townhouses and class 4 business space. The PAN was approved but the proposal was not taken forward to the planning application stage (planning reference 10/00544/PAN).

31 May 2011 - an application for the change of use of parking areas to public car park (temporary for 3 months) was withdrawn (planning reference 10/02407/FUL).

## 2. Main report

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### 2.1 Description Of The Proposal

The proposal is for 241 flats split into four blocks and three commercial units. The blocks have been laid out in a way to provide gable ends to Brunswick Road and courtyards of open space. The building height is primarily six storeys in height though falls to four storeys in places.

The western block contains 50 flats split into 6 one bedroom and 44 two bedroom units. The western side of the block, closest to the adjacent primary school, is four storeys in height, and rises up to six storeys closer to the centre of the site forming a staggered L-shape.

The large central southern block contains 98 flats split into 10 one bedroom and 88 two bedroom units. This continues the six storeys of the adjacent western block. The two gable ends of the building protrude towards Brunswick Road but the majority of the block is set back from the road.

The eastern block contains 63 flats split into 16 one bedroom and 47 two bedroom units. This is similar in layout to the western block but is not a mirror image. It is mostly six storeys in height dropping to four at the centre of the block before rising back up to six storeys to address Allanfield. This block contains three small commercial units on the ground floor at the eastern end.

The northern block contains 30 flats split into 14 one bedroom and 16 two bedroom units. This is four storeys in height and fronts onto the central road.

Affordable housing has been identified in three separate parts of the development - part of the northern block and two parts of the central southern block.

Two tones of brick are proposed for the elevations. Uniform windows are proposed throughout the development with 'Juliette' balconies proposed on the public fronting elevations. Grey uPVC windows are proposed throughout the development. An alternative slate effect tile has been proposed as the roofing material.

Access is taken from the existing eastern and western points from Allanfield and Brunswick Road respectively. A shared surface road links the two access points though the site. Two pedestrian links are proposed through the site from Brunswick Road, one stepped access at the centre of the site and a stepped and ramped access further to the east. Potential access points into the neighbouring Allanfield development have also been identified.

A total of 153 car parking spaces are to be provided lining either side of the route through the site. This also includes 3 city car club spaces and 6 disabled spaces.

#### Scheme 1

Scheme 1 had the same basic layout but scheme 2 was altered with:

- The re-organisation of refuse areas
- The creation of an extra three residential units
- The inclusion of three commercial units
- A change in the proposed materials

- Roof pitch altered
- Updated window details
- Improved landscaping and further details and specification.

The applicant has submitted a design and access statement, a sustainability appraisal, a transport statement, an air quality impact assessment, a flood risk assessment, a surface water management plan, a business space analysis and marketing summary. These documents can be viewed on the Planning and Building Standards Online Service.

## **2.2 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?

## **2.3 Assessment**

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

- a) the principle of residential development is acceptable on this site;
- b) the design, scale and layout is appropriate to the site;
- c) adequate open space has been provided within the scheme and there is an acceptable level of amenity;
- d) the housing mix is appropriate and an adequate level of affordable housing has been provided;
- e) there are any transport and parking issues;
- f) any other material considerations;
- g) any impacts on equalities or human rights are acceptable; and
- h) comments raised have been addressed.

### **a) Principle**

The site is within the urban area, as shown on the Edinburgh City Local Plan (ECLP) Proposals Map. Policy Hou 1 states that housing development will be permitted on suitable sites within the urban area. In terms of Policy Hou 1 the site is previously developed, in close proximity to the amenities provided at Leith Walk Town Centre and the local centre at Easter Road and is suitable for housing.

As a site that was last in employment use, Policy Emp 4 Employment Sites and Premises applies. This policy seeks to ensure that proposals for the redevelopment of such sites contribute to the city's stock of flexible small business premises.

Information has been submitted in the form of a Marketing Summary and Business Space Analysis. The documents question the viability of business units at this location and outlines that demand for retail, office and industrial space within this area is low and existing supply for commercial space is more than adequate.

The Council's Small Business Study (SBS) (2011) highlights that in the north east there is a five year requirement to provide 37 new units. The north east has the highest number of small business units within the city (312) which accommodates 36% of the city's stock. It is acknowledged that the north east has a vacancy rate of 16 % which is higher than the city average of 10%. The Small Business Study also states that there has been little change to the total stock of small industrial buildings in the north-east area since 2008. However, within this figure there has been some movement of industrial stock. A number of established units have been sub-divided and some stand alone units have been lost.

This high vacancy rate can be explained by the fact that the majority of the substantial stock in north-east was developed in the 1970s and 1980s and is gradually becoming outdated. The SBS outlines that generally the typical lifespan of a property is around 40 years and therefore 2.5% of the stock should be replaced on average each year. In the north east, the 5 year requirement is 37 units. As the SBS outlines, a number of units have also been lost within the north east. Therefore the development of units suitable for a range of small business units on this site would help contribute to the annual new build requirement.

The proposal has been revised from the original submitted form to include three commercial units. These have been proposed at the corner of the scheme to provide some form of street presence onto Allanfield, which it is difficult given the site levels.

The inclusion of the three units is not a significant level of new floorspace as set out in policy Emp 4. It is recognised that the site provides difficulties in adequately siting commercial units and exceptions have been made elsewhere when there have been difficulties in including small business space into developments.

Consequently, the principle of housing and the inclusion of the commercial space is acceptable at this location.

#### b) Design, Scale and Layout

Arising from its historic use as a railway goods yard and subsequent surrounding developments the site is a relatively awkward shape. It has an unusual topography with the street level of Brunswick Road at its centre being considerably higher than the site itself. This results in a challenging site from an urban design perspective.

#### Design and Layout

The proposed development builds on the favoured option presented at the Edinburgh Urban Design Panel (EUDP) and does not attempt to provide a more traditional style frontage to Brunswick Road which would have been difficult due to the site levels.



The aim of the EUDP is to provide constructive advice to develop proposals in a positive way, but developers are not bound by that advice.

This resultant layout provides a series of blocks arranged around courtyard areas with fingers penetrating towards Brunswick Road. The EUDP encouraged the breaking up of the main central courtyard block to avoid a monolithic appearance.

The variation with the lower northern block serves to break up massing to some degree whilst enabling a more varied central road and associated car parking. The car park is also broken up by planting.

Views of the design champion were sought following the pre-application report to the Development Management Sub-Committee but he indicated that this proposal was not something that he would get involved with. The relevant advice was given by the EUDP.

The proposed layout is acceptable and is in an area that is surrounded by developments which take different approaches to form and layout.

Leith Walk Primary School is B listed and fronts onto Brunswick Road. The application site sits below Brunswick Road by approximately 2m at this western part. The proposed building is four storeys at the western end of the site adjacent to the school and is approximately 33 metres away. The school building is also in the midst of existing tenements to the east and the south with newer flatted blocks to the east and the north. The proposed development would not affect the detrimentally affect the appearance or character of the listed building or its setting.

There are a wide range of building styles and materials within the area with traditional tenements and terraced housing to the south, two and three storey brick houses at Elgin Road and along the eastern end of Brunswick Road, modern rendered flats to the east of the site and brick buildings to the north at Allanfield.

The proposed buildings are generally simple in design with the use of protruding tower elements to break up the elevations, alongside the changes in building heights and contrasting roof heights.

Brick, in two tones, is proposed as the main material. The use of brick is acceptable and can aid in harmonising with the more traditional tenement areas to the south. Brick has been successfully used elsewhere in Edinburgh and is preferable to render, in this case, such as that used in the adjacent scheme to the east. The inclusion of the differing tones will also break up the elevations.

The proposal includes uniform windows throughout the scheme. Juliette balconies which allow for full length windows are proposed on the outward looking elevations, whilst some panels are proposed elsewhere.

Grey uPVC windows are proposed throughout the development. The applicant has put forward the case that such windows are suitable in terms of sustainability standards as they are part made from recycled material. However, uPVC windows can often have a poor visual appearance when compared to more traditional timber, metal or composite windows. Information has been provided showing the typical window details and is considered acceptable. A sample of the opaque panel will still be required.

## Height

In terms of height, the proposal is acceptable in urban design terms and is of a similar height to the nearby tenements and the more recently built apartment blocks adjacent to the site. The cross section through the site shows how the height of the proposed development at 6 and 4 storeys sits in the area and corresponds with the surrounding buildings.

## Views

Private views from neighbouring properties are not a material planning consideration. The site is publicly visible from Calton Hill. The use of light coloured render on the adjacent site to the east jars with the rest of the townscape. The use of brick as described above will more subtly blend the development in with the surroundings and not impact on the view. The proposed roof pitch for the development is 35 degree and is similar to that of the surrounding area which contains a mixture of dual pitched roofs ranging from 30 - 40 degrees and a shallow roof of five degrees on the adjacent development to the east.

The applicant originally proposed dark concrete tiles as a roofing material. The surrounding context of historic tenements with slate roofs suggest that the pitched roofs should use slate. The applicant has stated that the cost of slate is not economically viable but has provided alternative tile samples to the slate. A roofing material made from natural alluvial clay with a ceramic finish as a slate alternative has been proposed. Given that the majority of the more recent buildings around the site are roofed in various forms of non-slate tiles the proposed roofing material is a suitable alternative to natural slate in this instance. However, a condition is recommended to ensure that the smaller version of the tile is utilised to provide a more natural effect in keeping with traditional roofing techniques.

## Density

The proposed density of the development is 147 dwellings per hectare. The draft Edinburgh Design Guidance provides examples of densities throughout the city showing that a range of densities can be achieved throughout the city from both traditional tenements to modern developments. Modern high-density developments are located adjacent to the site.

High-density development is encouraged where there is good access to a full range of neighbourhood facilities, including immediate access to public transport network. As assessed in the transport section (2.3e) the site has good accessibility and such a density should be supported in the urban area close to the city centre.

## Police comments

The Police Architectural Liaison Officer has provided detailed comments on the application. These are mostly outwith the scope of Planning and have been forwarded to the applicant for their information.

## Public realm contribution

Based on the figures set out in the Developer Contributions and Affordable Housing non-statutory guidance the scheme would require a contribution of £222,500.

The guidance states that a developer will not be expected to pay twice for public realm if public realm works are carried out as part of the development. The applicant has provided a list of works being carried out at a cost of £262,500 which would negate the

requirement for a contribution. These works include the provision of footpath links from Brunswick Road, upgrading of boundary treatments (wall and railings), creation of formal entrances and enhanced soft landscaping works. This is considered an acceptable approach.

Transport has requested a financial contribution of £119,000 towards the Leith Programme, which has a public realm focus. This matter is assessed in section 2.3e) below alongside other Transport related contributions.

The proposed design, scale and layout of the proposal is considered acceptable subject to conditions in relation to materials.

### c) Amenity and Open Space

#### Privacy and daylighting

The layout of the site and the difference in levels from Brunswick Road result in the majority of the proposed development being sufficiently distant from the surrounding buildings to not cause any overlooking issues.

The proposed northern block is the closest to the boundary with the two 3 storey flatted blocks to the north at Allanfield. Objections in relation to the amenity of the existing blocks have been received.

The proposed building has been located to relate to the gap between the two existing buildings to the north. The windows in the northern wings of the proposed block are bathroom windows and not habitable rooms. The bathroom windows are also primarily fronting onto the blank gable walls of the two adjacent flatted blocks at Allanfield and therefore privacy issues in relation to overlooking are minimal.

Internally within the site the window to window distances are set at sufficient distances apart or staggered in a way to not result in privacy problems for future residents.

As this northern four storey block is closest to the boundary with Allanfield an assessment of daylighting levels was requested to judge if the height and form have an impact on neighbouring properties.

The assessment was for the first habitable room from the west of the eastern block, which was considered to be the worst case scenario. The Vertical Sky Component (VSC) of relevant windows should pass the test to achieve a VSC of at least 27%. The diagram and calculation provided demonstrates a VSC of 27.1% and therefore the amount of daylight reaching the existing windows is not adversely affected. The applicant also notes that the overshadowing generated by the new development is in some part negated by the overshadowing of the existing gable. However, this was not included in the calculation which complies with the minimum value of 27% in any case.

The proposal is acceptable in relation to privacy and daylighting.

#### Commercial units

The amended proposal introduces three Class 4 units (Business) into the eastern end of the site. Normal operations associated with Class 4 premises should be able to operate in a residential area without detriment to residential amenity.

Environmental Assessment has raised no objections to the proposals subject to a number of conditions to safeguard residential amenity.

These conditions are in relation to audible noise, sound insulation, plant, machinery or equipment noise, hours of delivery and that no change from Class 4 to Class 6 (Storage or distribution) should be permitted.

The conditions recommended from Environmental Assessment, although relevant, would be difficult to enforce in their current guise. Accordingly, a single condition is recommended to ensure that a full scheme in relation to noise and sound insulation is in place prior to the development commencing.

The condition in relation to limiting the times of vehicle deliveries is also deemed to be unnecessary given the limited number of the commercial units proposed and the proximity to Leith Walk and Easter Road. Brunswick Road itself also acts as a link between these to busy areas. Planning authorities should also avoid imposing conditions through anxiety to guard against every possible contingency. Such a condition could be too restrictive on small businesses which the units are aimed at.

It is recommended that the condition limiting the change of use is applied to any consent.

#### General disturbance issues and amenity

Issues raised such as general street noise and disturbance, litter, petty vandalism and anti-social behaviour can be dealt with through more appropriate statutory legislation. Therefore, with the use of other statutory controls, any nuisance or disturbance from the proposed development can be adequately addressed.

Environmental Assessment has recommended that a condition is placed on any permission ensuring that any noise associated with the proposed lift complies with NR20 to safeguard the amenity of residents. However, as an internal lift within the residential development, any noise associated with the lift will be limited within the building. Such a condition would be difficult to enforce in practical terms and impose an unnecessary burden on future residents. It is therefore recommended that this is an informative rather than a condition.

#### Open space and landscaping

Landscaping details, including a tree survey, have been provided. These show the arrangement of both the private and public areas of open space.

There are a number of existing trees of differing varieties along the Brunswick Road boundary. The tree survey shows that the majority of these will be unaffected by the development and should be retained, alongside further planting. There are recommendations for some thinning and further monitoring although only one is recommended to be removed due to its current condition.

The retention of the existing trees will help to integrate the new development into the surrounding area. Further tree planting has been provided round the Brunswick Road boundary to enforce this already green area.

The access road through the development allows for adequate window to window distances and is designed to be a shared surface arrangement. A number of trees have

been proposed throughout the car parking to aid in breaking up and softening the visual impact of the road and car parking.

Local Plan Policy Hou 3 sets out that for flatted developments that there should be 10 sq.m of open space provision per flat except where private space is provided. A minimum of 20% of the site should be open space. The proposal includes large areas of designed open space for the future residents. This is split into well landscaped courtyards of differing sizes and design to allow for a variety of activities to take place. This equates to approximately 26% (4300sq.m) of the site. Private areas of open space, including patio areas, have also been provided to give some separation and privacy for the ground floor units from the wider open space areas.

The proposed open space, associated planting and boundary treatments provide definition to the proposed development and the scheme delineates the more public spaces from the private areas.

The open space proposals are acceptable subject to a condition in relation to maintenance and tree root protection during construction.

#### Contamination

As the site was previously developed a condition is recommended in relation to site investigation and remediation measures to ensure that the development of the site will not pose a threat to human health or the wider environment.

The proposals are acceptable in relation to amenity and open space subject to conditions in relation to landscape maintenance, tree protection, site investigation, noise and hours of operation.

#### d) Housing Mix and Affordable Housing

##### Housing Mix

ECLP Policy Hou 2 seeks the provision of a mix of house types and sizes where practical to meet a range of housing needs, whilst having regard to the character of the surrounding area.

The proposed development provides 195 two bedroom properties and 46 one bedroom properties. This does not meet the policy expectation that 20% of units provided on schemes of 12 or more units should be larger units of three bedrooms or more.

The policy itself is worded in a way that only seeks such a provision and the supporting text to the policy does recognise that the planning system can only bring limited influence to bear on the range and type of housing coming forward.

The applicant has submitted a statement to provide information on why three bedroom properties are not being provided. The statement holds that the policy is outdated and was conceived at a time when one and two bed apartments were being promoted by the majority of residential applications within Edinburgh. They note that this is no longer the case and more family sized accommodation is being built and promoted within Edinburgh citing five of their own schemes at various stages of the planning or development process.

A further point raised is the difficulty for buyers raising deposits and mortgage availability for three bedroom units. This makes such properties as economically unviable for house builders. The developer also points to recent difficulties in selling the three bedroom properties in one of their recent developments within the city.

ECLP Policy Hou 2 still remains relevant and it is not unreasonable for the Council to seek a mix of housing types. Indeed, the recently published proposed Local Development Plan retains a version of the policy seeking the provision of a mix of house types and sizes where practical.

The development would deliver needed affordable housing, see a vacant brownfield site come forward for immediate development, whilst providing economic benefits. The applicant puts forward that the planning system should be enabling such development. All applications should be considered on their merits and the information put forward is acceptable in this instance.

The majority of the flatted units proposed are dual aspect with only ten units within the central block being single aspect. In larger schemes the inclusion of single aspect flats is sometimes unavoidable and in this case is deemed acceptable.

It is viewed that in this instance the housing mix provided is acceptable.

#### Affordable Housing

The proposals for 241 residential units would require the provision of 60 affordable homes (25%) as set out in local plan policy Hou 7.

The applicant has agreed to provide the full affordable housing on site. Fifty-four of the units will be provided by a Housing Association. The remaining units are to be provided onsite as Low Cost Home Ownership, using tenures such as Shared Equity and Golden Share. The Affordable Housing Section has assessed the proposals and is supportive of the development.

The affordable housing is to be secured through a suitable legal agreement.

The housing mix, although not in line with policy, and the provision made for delivering affordable housing is acceptable.

#### e) Transport and Parking

A number of comments have been received in relation to traffic safety, congestion and the level of car parking proposed within the scheme.

Vehicular access to the site is provided from the existing eastern and western points from Allanfield and Brunswick Road respectively. A central shared surface route through the site links the two access points together.

A Transport Assessment has been provided setting out the approach to transport issues.

A traffic impact assessment was undertaken based on new traffic count surveys for a number of junctions. The results indicate that the junctions (access points to the site)

are predicted to operate satisfactorily and that there is sufficient capacity to accommodate traffic associated with the proposed development.

Transport has not raised any concerns in relation to traffic generation.

#### Accessibility and permeability

Accessibility information has been provided indicating that the site is in close proximity (within 400m as per Scottish Planning Policy) to the amenities and bus stops on Leith Walk and Easter Road. The transport assessment notes that there are approximately 50 buses per hour from Leith Walk and nine per hour from Easter Road at peak times. The site is also within 1600m walking distance to the east end of the city centre - a distance set out in Planning Advice Note 75 Planning for Transport.

Brunswick Road also contains pedestrian carriageways on both sides, has traffic calming and a speed limit of 20mph.

Pedestrian links are proposed into the site from Brunswick Road via steps and also a ramp. The proposals also included space to link through to the adjacent Allanfield estate, which would aid in forging possible links through to the Powderhall railway line further north which is safeguarded for future path / cycle path use. However, it is recognised that the links would be dependent on the co-operation of the adjacent residents as the linking land at Allanfield is in private ownership.

The site is in a central location offering good opportunities for cycling within the city and close to the north Edinburgh path network from McDonald Road and further off-road cycle paths from the northern end of Easter Road.

#### Parking

The application proposes 153 car parking spaces, of which six spaces are disabled. The car parking spaces line either side of the route through the site. Three city car club spaces are also proposed and this would need to be secured through a legal agreement. The proposal also includes 190 cycle spaces with the majority (175) provided within the fabric of the building.

The proposed parking is below the current Council parking standards. Transport note that although the proposed parking is below the parking standards, the presence of on-street restrictions, the proximity to public transport on Leith Walk and city car club provision, this is considered acceptable and in line with ECLP Policy Tra 4 Private Parking.

Furthermore, a travel plan has been suggested by the applicant which will provide details of public transport in the area. This will aid in embedding public transport habits from when occupation of the development first takes place. The travel plan will be secured through a legal agreement.

#### Air Quality

The site is adjacent to the central Air Quality Management Area (AQMA) and Easter Road and London Road are in an area of emerging air quality concern. An Air Quality Impact Assessment (AQIA) has been submitted which considers the potential impact the development will have on air quality.

The AQIA indicates that predicted levels of nitrogen dioxide and PM10 (particulate matter) are forecast to comply with the relevant air quality objectives and there will be negligible impact from the development.

Environmental Assessment considers that the proposed car parking of 153 spaces is satisfactory for this location and note that the site has good access to public transport. Environment Assessment has no objection to the proposal on air quality grounds and recommend that a condition is placed on any consent in relation to mitigation measures during the construction phase as outlined in the AQIA.

The applicant is still encouraged to provide electric charging points and an appropriate informative is recommended.

#### Contributions

Aside from the city car club contribution of £18,000 and any associate traffic regulation orders for controlled parking and control of disabled parking spaces, Transport has indicated that a tram contribution of £359,600 and a contribution of £119,000 towards the Leith Programme should be provided.

The applicant has entered into discussions with the Council regarding the viability of developing the site noting a willingness to contribute to any TROs, the city car club and the Leith Programme. However, they have opposed the tram contribution figure on viability grounds whilst also questioning the reasonableness of such a contribution in relation to the deliverability of the stalled tram line.

Where a developer is seeking a reduction in the amount of developer contribution required the Council will require the developer to provide full information verifying that the contribution requirement threatens a project's viability.

The applicant has provided such information and Council surveyors have considered the contents, but are not of the opinion that there is a suitable justifiable case for reducing the contribution requirement in this instance.

However, in considering the proposal and through further discussion with Transport there is a case to subsume the Leith Programme contribution into the wider Tram contribution. This is justified given that the Leith Programme aims to make street improvements to the tram route along Leith Walk, in large to improve the public realm following on from the previous tram enabling works.

Consequently, a contribution of £359,600 is requested with £119,000 of this to be directed to the Leith Programme and the remainder to the tram.

In summary the proposed access, parking and traffic impact is considered acceptable subject to a legal agreement.

#### f) Other Material Considerations

##### Consultation and Neighbour Notification Process

Representations have been made in relation to the general pre-application consultation carried out, changes from the pre-application stage to the plans submitted for the planning application, neighbour notification at the application stage and changes to plans through the planning process.



Pre-application consultation (PAC) is undertaken by the applicant. The developers have exceeded the minimum statutory requirements in relation to this process. Pre-application consultation is an additional measure and does not take away the right of individuals and communities to express formal views during the planning application process itself.

Changes have been made from the details presented at the pre-application consultation stage. However, circular 4/2009 Development Management Procedures states that the prospective applicant is under no obligation to take onboard community views, or directly reflect them in any subsequent application.

The circular also suggests that while there is scope for proposals to alter between the PAC and an application being submitted, any subsequent application needs to be recognisably linked to what was described in the proposal of application notice. Although three commercial units have been included into the scheme the proposal is still fundamentally residential in nature.

In terms of neighbour notification, this was carried out in line with the correct procedures and properties within 20m were notified.

It is also quite normal for proposals to be altered during the course of a planning application. The inclusion of three commercial units and a change in residential unit numbers led to the proposals being re-notified. The purpose of the neighbour notification is to indicate that there is a planning application and direct them to look at the details. In relation to the description of development it is the drawings that are approved rather than the description itself.

#### Sustainability Appraisal

Policy Des 6 of the ECLP and the Edinburgh Standards for Sustainable Buildings require the development to minimise energy needs. The applicants have submitted a S1 sustainability form in line with the 2007 building regulations and have confirmed that a Building Warrant for developing this site was submitted prior to the revised building regulations coming into force. This shows the following scores.

	Points applicable	Points scored	Threshold
Principle 1 Design Quality	7	5	4
Principle 2 Inclusion, Health	13	10	8
Principle 3 Renewable energy	32	2	12
Principle 4 Sustainable resources	17	10	8
Principle 5 Improve recycling	6	5	4
Principle 6 Sustainable operations	8	6	3
<b>Total score</b>	<b>83</b>	<b>38</b>	<b>39</b>

The applicant has requested that rather than meet the requirements of Principle 3 in relation to renewable energy that a relaxation is permitted on this principle with a 10% improvement to the building fabric is provided instead. SAP (Standard Assessment Procedure) calculations have been provided to show the assessment of how much energy a dwelling will consume and how much CO2 is emitted. The figures provided show a 10% improvement over the building regulations. This is a similar approach which has been taken in relation to developments at Kirkliston and Newhaven Road and does not materially alter the proposed development.

## Waste

Refuse stores are located in eight locations spread out throughout the blocks and is in line with the relevant standards.

## Flooding

A Flood Risk Assessment (FRA) and a subsequent Surface Water Management Plan (SWMP) have been submitted in support of the application.

SEPA have considered the FRA and do not object to the proposal on flood risk grounds. SEPA agrees with the suggestion in the FRA that the Finished Floor Level should be a minimum of 25.8 m AOD. The drainage layout drawing shows finished floor levels above this level.

Likewise, Flood Prevention has no objection to the proposal. In the initial response it was noted that the FRA suggested a low wall is provided along the edge of the site along Allanfield to prevent surface runoff entering the site. The landscape drawing shows a brick wall along this boundary.

## Education

Children and Families has been consulted on the application and no objections have been raised in relation to local school capacity issues.

## g) Equalities and Human Rights Impacts

The equality and human rights impact assessment identified that the proposed stepped access from Brunswick Road into the site will prevent some users identified with protected characteristics from exiting and entering the development at this location. However, there is an alternative pedestrian access from Brunswick Road which provides a ramp and level access is also provided at the two site entrances site at the east and west ends. Therefore no further action is required.

An Equality and Human Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

## h) Public Comments

### **Material representations -**

Issues of principle (addressed in section 2.3a);

- Lack of local amenities to serve the increase in development when coupled with other recent developments.
- Development should contain offices or workshop space.
- The requirement for the inclusion of commercial units within the scheme.

Design issues (addressed in section 2.3b);

- Proposal is contrary to ECLP Policy Des 1 Design Quality and Context and ECLP Policy Des 3 Development Design.
- Design is uninteresting and characterless. It could be anywhere and should be altered to make it feel like Edinburgh.

- Lack of real contextual elevations or visualisations show a lack of engagement in how the proposal deals with connectivity, coherence and topography.
- Site is surrounded by traditional tenements with walk-up access. The development creates an island and proposals would benefit from opening access up via Allanfield and continuing to use walk-up tenements.
- If the northern block did not exist it would be possible to provide a more coherent piece of the city with a street to the north, a series of fingers engaging Brunswick Road and a series of south facing gardens.
- The density is too high.
- The building height should be reduced.
- Massing of flats does not fit in with the pattern of development at Allanfield.
- Rooflines should be consistent with those along most of Brunswick Road
- Proposal lacks gable ends. Proposal should be altered from hipped to gable ends to provide some dialogue with the termination of West Montgomery Place.
- The large expanses of building elevation.
- The proposed new substation should be combined with the existing one at Allanfield to reduce the visual impact and free up car parking space.
- Materials should match Allanfield with dark brown rough brick cladding with Rosewood external window frames.
- The Police should be consulted and the proposals should have Secure by Design accreditation.
- The proposals move away from the design concept and principles presented at the pre-application stage to the Edinburgh Urban Design Panel.

Amenity issues (addressed in section 2.3c);

- Proposals will cause issues in relation to daylighting.
- Proposals infringe on existing properties privacy and with inadequate distances to windows.
- Northern block is too close to the boundary with the existing houses to the north at Allanfield.
- Issues in relation to enhanced noise, dog fouling, littering and anti-social behaviour.

Housing Mix (addressed in section 2.3d);

- Unit mix should include houses or larger flats.
- North facing elevations.

Open space and landscaping (addressed in section 2.3c);

- Unclear distinction between private and public open space.
- There should be no fence along the north side of the development and a larger communal area created.
- Car parking remains dominant and poorly integrated in the landscape design and street surfaces are unnecessarily wide.

Transport issues (addressed in section 2.3e)

- Concerns regarding traffic safety and congestion.
- Access should be restricted to Brunswick Road only or a one way system put into operation.
- Safe access to the school needs considered.
- Proposed car parking is too low and will lead to further overspill into adjacent areas.
- Pedestrian permeability through the site seems adequate.
- There should not be pedestrian access through from the site to Allanfield as proposed as this will be a security issue.
- Pedestrian access should be taken through Dicksonfield (rather than Allanfield)

- Bollarded full width cycle access should be created to Allanfield to the north and at the eastern access.
- Impact of development on local bus service.
- The inclusion of more cars will cause further pollution and diminish air quality.

Flooding (addressed in section 2.3f)

- Allanfield is lower than the site. Guarantees should be in place that Allanfield is not flooded as a direct consequence of the development.

Sustainability (addressed in section 2.3f)

- Proposals should use renewable energy and limit carbon dioxide etc
- Development only meets minimum criteria in the Sustainability Statement. The applicant should amend plans to make it truly sustainable.

Consultation (addressed in section 2.3f)

- Pre-application consultation was flawed and poorly advertised.
- Neighbour Notification is defective.
- Failure to specify changes being made and plans differ from those at the pre-application stage.

#### **Non-material representations**

- Loss of private views.
- Decrease in property values.
- Issues relating to construction stage.
- Developer has no legal right to open up pedestrian access through to Allanfield.
- Past assurances stated development should not be higher than height of former Royal Mail building.
- Changes in proposal from the pre-application consultation Stage.

#### CONCLUSIONS

In conclusion, the proposal complies with the development plan. The principle of residential use at this location is acceptable and the proposal includes commercial space. The design, scale and layout are appropriate for the site and the development would not prejudice residential amenity and transport implications are acceptable. The proposal is acceptable in all other respects subject to a suitable legal agreement and conditions.

### **3. Recommendations**

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

#### **3.2 Conditions/reasons**

1. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external materials and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Head of Planning and Building Standards.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis and reporting, publication) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning and Building Standards.
3.
  - 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 to the satisfaction of the Head of Planning and Building Standards, 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 Head of Planning and Building Standards.
  - 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 to the satisfaction of the Head of Planning and Building Standards.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.
5. Tree protective measures conforming to BS 5837:2005 shall be implemented before any works are carried out on site and are maintained throughout the construction period to the satisfaction of Head of Planning and Building Standards, in accordance with Robin Winton Tree Survey drawing 23 (ref:12-010). No further tree removal, tree works, amendments to, or removal of, protective fencing or activity within the root protection areas shall be undertaken without the written approval of the Head of Planning and Building Standards.
6. The development shall be completed in accordance with the requirements specified in the Air Quality Impact Assessment Dated 8 January 2013. The mitigation requirements are detailed within section 5.2.3 (to mitigate construction impacts)
7. The development shall not commence until a scheme for protecting the residential development hereby granted from noise from the commercial units has been submitted and approved in writing by the Head of Planning and Building Standards.

8. Use of the commercial units shall be restricted to Class 4 of the Town and Country Planning Act Use Classes Order (Scotland) only and for no other purpose without the written consent of the Planning Authority.

9. Prior to the commencement of works on site samples of the roofing material shall be submitted for written approval by the Head of Planning and Building Standards.

**Reasons:-**

1. In order to ensure the adequacy of external building materials.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to safeguard trees.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. To define the terms of the consent and protect the amenity of nearby residential property
9. In order to ensure the adequacy of external building materials.

**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. 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 developer shall investigate the installation of electric vehicle charging points with reference to Making the Connection - The Plug-in Vehicle Infrastructure Strategy, Office for Low Emission Vehicles (June 2011).

6. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be subject of applications for road construction consent. Note:

a) this will include carriageways, parking area, footways, footpaths, steps and ramps as appropriate

b) Structural approval may be required

7. The site is within the extended CPZ, Zones N1 to N5 and S1 to S4, new residential properties are limited to one resident's permit per property.

8. Any on-street parking will form part of the public road network and therefore cannot be allocated to any particular property. The applicant will be expected to make this clear to residents. It should be noted that this is irrespective of whether the parking / road is adopted or not.

9. The proposed on-street spaces within the site cannot be allocated to an individual property, nor can they be the subject of sale or rent. The spaces will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street parking spaces, whether the road has been adopted or not. The developer will be expected to make this clear to prospective residents and tenants.

10. New road names will be required for this development and they should be asked to discuss this with the Council's Street Naming and Numbering Team at an early opportunity. Street naming is likely to influence the progression of traffic regulation orders

11. 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 Strategy on completion and prior to occupation unless otherwise agreed.

12. In relation to condition 7:

The design, installation and operation of the lifts shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

For the commercial units the sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

### **13. LEGAL AGREEMENT**

Consent shall not be issued until a suitable legal agreement has been concluded covering the following matters:

i) Affordable Housing

ii) Transport

- Traffic Regulation Order
- Disabled parking spaces order
- City Car Club
- The Leith Programme / Edinburgh Tram

### **Statutory Development**

<b>Plan Provision</b>	This site is located within the Urban Area the Edinburgh City Local Plan.
<b>Date registered</b>	14 November 2012
<b>Drawing numbers/Scheme</b>	01,02B-08B,9A,10B-12B,13A,14B,15B,16,17,18A,19,20A,21-23,  Scheme 2

**David R. Leslie**

Acting Head of Planning and Building Standards



## Links - Policies

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### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

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

Policy Env 12 (Trees) sets out tree protection requirements for new 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 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 Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a 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.

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

**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.

**Non-statutory guidelines** 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

NSESBA - **Non-statutory guidelines** Part A of 'The Edinburgh Standards for Sustainable Building' requires new development in Edinburgh to reduce their carbon emissions in line with the current Building Regulations

NSESBB **Non-statutory guidelines** Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

**Non-Statutory guidelines** Draft 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 'QUALITY OF LANDSCAPES IN DEVELOPMENT' sets detailed design principles for hard and soft landscaping, including the retention of existing features, and relates these principles to different types of development.

# Appendix 1

## Consultations

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### SEPA comment 23/11/2012

*We have no objection to this planning application. Please note the advice provided below.*

#### *Advice for the planning authority*

##### *1. Flood Risk*

*1.1 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.*

#### *Technical Report*

*1.2 We have been asked to provide flood risk comments in response to the proposal for the erection of a flatted development with associated bike, bin and water storage facilities at 10 Brunswick Road, Edinburgh.*

*1.3 We have reviewed the enclosures submitted with this consultation in respect of flood risk and we note that the site lies outwith the Indicative River & Coastal Flood Map (Scotland) and as such is unlikely to be at risk of flooding.*

*1.4 A Flood Risk Assessment (FRA) has been undertaken by Kaya Consulting Ltd for the site. We are satisfied that flood risk to the site has been sufficiently addressed and are in agreement that finished floor levels should be set at an appropriate height to mitigate the risk of surface water flooding. We recommend that contact is made with the local Flood Prevention Authority regarding this issue.*

#### *Caveats & Additional Information for Applicant*

*1.5 The Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit [www.sepa.org.uk/flooding/flood\\_extent\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_extent_maps.aspx).*

1.6 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.7 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: 'Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities' outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from [http://www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).

## 2. Foul Drainage

2.1 Foul drainage from the site should be discharged to the public sewerage network. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

## 3. Surface Water Drainage

3.1 The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

3.2 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

3.3 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA.

### *Regulatory advice for the applicant*

## 4. Regulatory requirements

4.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Clearwater House, Heriot Watt Research Park, Avenue North, Riccarton, EH14 4AP, tel 0131 449 7296.

### **Lothian + Borders Police comment 15/12/2012**

*All accessible windows require to be PAS 24 with 6.8mm laminate glass, all premises entry doors require to be PAS 24 - this would include balcony doors and windows.*

*In terms of the site, it would be beneficial to retain the current boundary lines around the property with vehicle entry points, all pedestrian points should be access controlled for residents use only.*

*In addition garden areas should be private and a 1.8 metre fence with access controlled gated entry. It is noted that careful consideration would have to be given to the areas that will be fenced off so that there is still access to bin stores, but has good natural surveillance of all areas to prevent unwanted intrusion into private areas, unless the development will have a concierge to accommodate this task.*

*The proposed parking is generally well surveilled and providing the lighting plan gives a good uniform white light, this will limit potential problems on the western most parking spaces.*

*All low level planting should be maintained below 1 metre and trees crowned above at least 2.2 metres to offer a window of visibility. Planting can also be used along building lines to create 'stand off' and also assist curbing people using gable walls for football etc.*

*The proposed cycle stores are located in the blocks, they have two access points on from the common stair and one from the outside the store. Many cycle stores have double leaf doors which are not secured by all users and as keys are often distributed to all residents and are not well controlled means that the current proposal could impinge on common stair security or may provide an area where antisocial behaviour could occur. It would be better to have one PAS 24 access door into the cycle store from the common stair - this will give additional layers of security to cycles, with increased numbers of people cycling and often cost of pedal cycles, members of the public are finding facilities that have been installed in a development do not meet their needs, this proposal would offer enhanced security and only residents in each stair should have access. The cycle store has to have suitable stands/racks that cycles can be secured to. If the store has an access control system that allows identification of users or limit keys to residents that have cycles and request a key, this aids security.*

*Post Delivery to flats - either by means of a mail box which allows delivery of mail from outside the premises and collected by residents inside. Create an 'airlock' 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 entrance canopies should be reduced to the minimum building standard, preferably clear so the area has natural surveillance from upper levels.*

*I would recommend that Secured by Design accreditation is sought for the development.*

## **Children + Families comment 17/12/2012**

*We refer to your memo dated 20 November, 2012 requesting comments on educational provision for the above noted planning application. Our comments are based on a residential development of 238 flats.*

*This site is located within the catchment areas of:*

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

*There is current capacity at Leith Walk Primary School and at Drummond High School and this position is expected to remain unchanged over the next five years.*

*In respect of RC provision, St Mary's and St Thomas of Aquin's are operating at or close to capacity but where necessary it is proposed that priority will be given to baptised Roman Catholics at the P1 and S1 intakes.*

*On the basis of the above we have no objection to the proposed development.*

## **Archaeology comment 10/01/2013**

*As discussed during the pre-application meeting with yourself and the developer the site was identified as of archaeological potential being the site of an early 19th farm and also a Victorian railway goods-yard dating to the second half of the 19th century. Accordingly it was advised that the site be evaluated in order to assess the state and significance of any surviving archaeological remains principally those of the farm and the Victorian era railway goods-yard.*

*This evaluation was undertaken by AOC Archaeology in late 2012 though to a reduced scale due to the occurrence of large areas of reinforced concrete. This meant that the standard 10% evaluation was replaced with a smaller more targeted trenching regime focussing determining if the afore mentioned buildings survived. The results demonstrate varying degrees of survival with the site of the farm having been effectively destroyed in the past however trenches in the central area did demonstrate that the main railway Victorian buildings do survive potentially in good condition (i.e. upright iron partitions were noted as surviving in trench 2).*

*Accordingly this site has been identified as an area of archaeological significance relating to the 19th and early-20th century railway industry. 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 (2010) policy 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.*

*Having assessed the probable impact of this proposed development and the results of AOC's recent 2012 Evaluation it is considered that on current information this proposal is regarded as having a low-moderate though significant archaeological impact. Ground-breaking works associated with construction of the new development will disturb significant remains associated with the 19th century and early 20th century*

*railway yard which the evaluation indicate survive across the site. Accordingly it is recommended that a programme of archaeological work is undertaken to fully excavate record and analyse these significant industrial archaeological remains.*

*It is therefore recommended that the following condition be attached consent to ensure that a programme of archaeological works is undertaken prior to construction.*

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

*The work would 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.*

### **Bridges + Flood Prevention comment 14/01/2013**

*The application should include a more detailed surface water management plan for approval. I would require further information and confirmations for flood prevention approval. If this application is approved I would ask for a condition to be applied under which work should not commence on site until the following conditions are met:*

1. *A surface water management plan should be submitted with more detail of flow routes / collection depth points / proposals to manage runoff exceeding the capacity of the drainage system, ensuring that the development is not at risk of flooding and that any flooding from this source is not made worse elsewhere.*

*The plan should include:*

2. *Further details of surface water drainage including SUDS treatment and attenuation facilities and associated landscaping.*

3. *Written confirmation that Scottish Water has given technical approval and will be adopting the surface water sewer system.*

*South-eastern boundary of the site. Surface water overtopping kerb would require further investigation.*

*Suggestion in Flood Risk Assessment Kaya Consulting Limited report dated 12/11/12 that either a low wall is provided along the edge of the site along Allanfield to prevent surface runoff entering the site, or that ground levels along the eastern edge of the site are at lower elevations than properties to allow a flow pathway along the edge of the site in the case of surface water overtopping the road under extreme conditions would be required.*

### **Surface Water Management Plan**

*The surface water management plan should deal with flood risk from surface water, ensuring that flood risk elsewhere is not made worse by runoff from the development. The main elements of the surface water management plan should be analysed up to the 1;200yr (0.5%AEP) event with an allowance for climate change and include as follows:*

## *Discharge Point*

1. *Discharge point(s) for the drainage system must be identified, and the approval in principle from the owner, or Scottish Water in the case of a sewer, for the discharge to that point must be demonstrated.*
2. *If the drainage system discharges to a watercourse, directly or indirectly, it must be served by SUDS in accordance with the SUDS manual, and SUDS for roads where applicable. The treatment methods must be approved by SEPA. Maximum discharge rates should not exceed 4.5l/s/ha or the 2yr greenfield rate, whichever is the lower. Attenuation volume must be designed for the full capacity of the drainage system.*

## *Flow Paths*

1. *Surface water should be dealt with by analysing the existing and proposed flow paths and depths for surface water runoff. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system.*
2. *New buildings in the development must not be at risk of flooding as a result of these flow paths and depths*
3. *Where runoff from the site could increase flood risk elsewhere, the increased runoff from paved surfaces, relative to greenfield runoff, (up to the 1;200yr event) should be attenuated on site.*
4. *If the development alters existing flow paths in a way which increases flood risk to existing property, additional attenuation or other measures may be required.*

## *SUDS Maintenance*

1. *Details of the organisation taking on the responsibility of the proposed SUDS, the size of SUDS retention ponds along with GIS co-ordinates is required.*

*It is recognised that small, restricted sites may require some relaxation in respect of attenuation volumes on site.*

*Information should be supplied in a report detailing proposed mitigation measures with supporting and appropriate drawings and calculations.*

## **Bridges + Flood Prevention further comment 13/03/2013**

*I have looked over the SWMP and have no objection.*

## **Transport comment 05/03/2013**

*Transport has no objections to the application subject to the following being included as conditions or informatives as appropriate:*

1. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent.*

*Note:*

- a. *This will include carriageways, parking area, footways, footpaths, steps and ramps as appropriate;*



- b. *Structural approval may be required;*
2. *Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:*
  - a. *A financial contribution to the Edinburgh Tram of £359,600 in line with the approved Tram Line Developer Contributions report (based on 238 residential units in zone 1);*
  - b. *A financial contribution of £18,000 for car club (in accordance with LTS policies LU2, -Cars 4 and Cars 5);*
  - c. *A financial contribution of £119,000 for the improvement of transport infrastructure as part of “The Leith Programme” (to accommodate movement needs associated with the development in the vicinity – in accordance with LTS policies LU1-LU4, PT3);*
  - d. *A financial contribution of £2,500 to cover the cost of promoting and implementing the necessary amendments to the controlled parking Order;*
  - e. *A financial contribution of £2,500 to cover the costs of introducing an order, if required, to control the proposed disabled parking spaces;*
  - f. *A draft travel plan prior to first occupation and a final travel plan within 12 months of that date. The travel plan to be produced, updated and maintained;*
3. *Within the extended CPZ, Zones N1 to N5 and S1 to S4, new residential properties are limited to one resident’s permit per property. An appropriate informative should be added to the approval.*

*Note:*

1. *Current Council parking standards require a minimum of 192 spaces for the 238 units (25% of which are affordable). The development proposes to provide 153 spaces with 3 car club spaces. Additional spaces could be provided on site but at the expense of open space. Given the presence of on-street restrictions (controlled zone N1), the proximity to public transport on Leith Walk and the car club provision, this is considered acceptable;*
2. *Any on-street parking will form part of the public road network and therefore cannot be allocated to any particular property. The applicant will be expected to make this clear to residents. It should be noted that this is irrespective of whether the parking / road is adopted or not;*
3. *The applicant should be aware that new road names will be required for this development and they should be asked to discuss this with the Council’s Street Naming and Numbering Team at an early opportunity. Street naming is likely to influence the progression of traffic regulation orders;*

4. *The applicant must be informed that the proposed on-street spaces within the site cannot be allocated to an individual property, nor can they be the subject of sale or rent. The spaces will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street parking spaces, whether the road has been adopted or not. The developer will be expected to make this clear to prospective residents and tenants.*

### **Environmental Assessment comment 12/03/2013**

*The application proposes a new flatted development on the site of a previous postal sorting office and parking area. The proposed development area is triangulated with residential properties surrounding the site on all sides. A school is situated across Brunswick Road to the west.*

*The site lies adjacent to the central Edinburgh Air Quality Management Area (AQMA) to the west. In addition, Easter Road and London Road are included within an area of emerging air quality concern and are situated to the east and south respectively. Therefore the applicant was requested to carry out an air quality impact assessment due to the size and location of the proposed development.*

*Environmental Assessment requested that the assessment was carried out in accordance with Planning for Air Quality Development Control: Planning for Air Quality -2010 Update. The applicant has submitted an assessment in support of the application and it concludes that the hotel will have a negligible impact on the local area which has taken into account the previous use of the site as a postal sorting office. Edinburgh Council's Local Air Quality Management Progress Report 2011, identified that nitrogen dioxide concentrations for 2010 within the city centre AQMA continues to exceed targets at the majority of monitoring locations and therefore the AQMA will remain valid and be extended along London Road and Easter Road.*

*The presence of an AQMA should not halt all development, but where development is permitted, the planning system should ensure that any impacts are minimised as far as is practicable. Where developments are proposed outside of but adjacent to an AQMA and where pollutant concentrations are predicted to be below the objectives/limit values, it remains important that appropriate mitigation is included in the scheme design and that, as far as is practicable, developments should be air quality neutral.*

*Environmental Assessment is of the opinion that the level of car parking proposed (153 spaces for 238 residential units) for this development is satisfactory for a location close to an area where local air quality problems are evident. It is worthy of note that the location is well served by good public transport links. In addition, it is understood that the applicant is committed to additional car club provisions which is supported by this section.*

*The air quality impact assessment highlighted that dust impacts from the construction phase may cause some air quality impacts. Therefore, the air quality impact assessment has recommended mitigation measures designed to reduce dust emissions from the site during construction. A condition is recommended to that effect to ensure that the mitigation measures are implemented.*

*Therefore, Environmental Assessment has no objections to this proposed development subject to the following conditions and informative:*

1. *Prior to the commencement of construction works on site:*

*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 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.*

*2. The design, installation and operation of the lift shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*

*3. The development shall be completed in accordance with the requirements specified in the Air Quality Impact Assessment Dated 8 January 2013. The mitigation requirements are detailed within section 5.2.3 (to mitigate construction impacts)*

#### *Informative*

*The developer shall investigate the installation of electric vehicle charging points with reference to Making the Connection – The Plug-in Vehicle Infrastructure Strategy, Office for Low Emission Vehicles (June 2011).*

### **Environmental Assessment further comment 09/04/2013**

*The application proposes a new flatted development with 3 Class 4 business units on the site of a previous postal sorting office and parking area. The proposed development area is triangulated with residential properties surrounding the site on all sides. A school is situated across Brunswick Road to the west.*

#### *Air Quality*

*The site lies adjacent to the central Edinburgh Air Quality Management Area (AQMA) to the west. In addition, Easter Road and London Road are included within an area of emerging air quality concern and are situated to the east and south respectively. Therefore the applicant was requested to carry out an air quality impact assessment due to the size and location of the proposed development.*

*Environmental Assessment requested that the assessment was carried out in accordance with Planning for Air Quality Development Control: Planning for Air Quality -2010 Update. The applicant has submitted an assessment in support of the application and it concludes that the hotel will have a negligible impact on the local area which has taken into account the previous use of the site as a postal sorting office. Edinburgh Council's Local Air Quality Management Progress Report 2011, identified that nitrogen dioxide concentrations for 2010 within the city centre AQMA continues to exceed targets at the majority of monitoring locations and therefore the AQMA will remain valid and be extended along London Road and Easter Road.*

*The presence of an AQMA should not halt all development, but where development is permitted, the planning system should ensure that any impacts are minimised as far as is practicable. Where developments are proposed outside of but adjacent to an AQMA and where pollutant concentrations are predicted to be below the objectives/limit values, it remains important that appropriate mitigation is included in the scheme design and that, as far as is practicable, developments should be air quality neutral. Environmental Assessment is of the opinion that the level of car parking proposed (153 spaces for 238 residential units) for this development is satisfactory for a location close to an area where local air quality problems are evident. It is worthy of note that the location is well served by good public transport links. In addition, it is understood that the applicant is committed to additional car club provisions which is supported by this section.*

*The air quality impact assessment highlighted that dust impacts from the construction phase may cause some air quality impacts. Therefore, the air quality impact assessment has recommended mitigation measures designed to reduce dust emissions from the site during construction. A condition is recommended to that effect to ensure that the mitigation measures are implemented.*

#### *Noise*

*The application proposes to site three Use Class 4 commercial premises on the ground floor below residential properties. Normal operations associated with Use Class 4 premises should be able to operate in a residential area without detriment to amenity when appropriately conditioned. However, Use Class 4 premises (below a floor area of 235m<sup>2</sup>) are permitted to change to Use Class 6 (Storage and Distribution) without further planning consent being required. Should the premises in this application change operations to storage and distribution then there is the possibility that noise and vibration could impact upon the residential amenity of the properties above. Therefore, this Department will recommend a condition which restricts the premises to Use Class 4 only with no permitted change to Use Class 6 to ensure the amenity of the residential properties situated above are protected from noise and vibration. Additionally, this Department will recommend conditions to protect the residential amenity of the flats above from delivery and collection, plant, music and other operational noise and vibration associated with the application commercial premises.*

*Therefore, Environmental Assessment has no objections to this proposed development subject to the following conditions and informative:*

#### *Residential*

- 1. Prior to the commencement of construction works on site:*

*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 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.*

2. *The design, installation and operation of the lift shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*
3. *The development shall be completed in accordance with the requirements specified in the Air Quality Impact Assessment Dated 8 January 2013. The mitigation requirements are detailed within section 5.2.3 (to mitigate construction impacts)*

#### *Class 4 Office*

4. *The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.*
5. *The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*
6. *Deliveries and collections, including waste collections, to be restricted to 0700 – 1900 hours Monday to Saturday.*
7. *All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*
8. *The premises should be restricted to Use Class 4 with no permitted change to Use Class 6 allowed.*

#### *Informative*

1. *The developer shall investigate the installation of electric vehicle charging points with reference to Making the Connection – The Plug-in Vehicle Infrastructure Strategy, Office for Low Emission Vehicles (June 2011).*

### **Edinburgh Urban Design Panel Report of meeting held 27 June 2012**

#### *1 Introduction*

*1.1 This report relates to a proposal for approximately 240 flatted units on a site covering approximately 1.62 hectares on the former Royal Mail Sorting Office Site on Brunswick Road.*

*1.2 This is the first time that this proposal has been reviewed by the Panel. However the Panel reviewed a previous proposal on this site.*

*1.3 No declarations of interest were made by any Panel members in relation to this scheme.*

*1.4 This report should be read in conjunction with the pre meeting papers which provide a planning issues paper and presentation material of the scheme.*

*1.5 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.*

*1.6 David Givan CEC presented the Planning Issues Paper and David Harrold presented the design proposal for Brunswick Road.*

*1.7 The presenters are thanked by the Panel for their presentations.*

## *2 Site Concept, Layout, massing and density*

*2.1 From the two options shown the Panel focused their comments in option 2 as this was felt to be the stronger of the two options. It was accepted that the site characteristics present challenges in achieving good urban design.*

*2.2 The Panel noted that given the presentation material did not contain sufficient contextual, view analysis, sectional or 3 dimensional drawn information their comments are limited. It is recommended that this information forms part of the final package of information supporting the application.*

*2.3 Given the complexity of the site within the urban context and the topography the Panel encouraged the design team to revisit their analysis of the site at this stage of the design process as this may help to unlock the potential of the site and resolve relationships with the adjacent context and site topography.*

*2.4 In the absence of sections, elevations and visual analysis it was difficult to comment in detail. However based on the information provided, the Panel expressed concern regarding the proposed height, mass and density of the development – in particular the potential for the main courtyard block to present a monolithic massing. In trying to break this mass the Panel did not support an approach of using different materials but on visual balance informed by view analysis. It was noted that in respect to this the analysis noted in 2.2 will help to look at options to resolve these issues.*

*2.5 The Panel encouraged the design team to develop further ways of integrating this development into the urban context and to break down the barrier created by the topography and retaining walls to the south and carparking to the north. A bolder approach to integrate the development to the street was encouraged. The Panel suggested that the change in levels along Brunswick Road could be considered as an opportunity not a problem.*

*2.6 The Panel encouraged the design team to look at options which increase permeability and accessibility to the site.*

## *3 Landscape and Open Space*

*3.1 The Panel were unclear from the information provided how the design makes a clear distinction between public and private spaces. It will be important to resolve this as the design develops.*

*3.2 The Panel expressed concern regarding the layout and quality of the courtyard spaces in particular to the east and west. These may be too small to be usable.*

*3.3 Given the complexity of the site and the reliance of landscape and quality of the spaces between the buildings the Panel strongly encouraged the Design Team to engage a Landscape Architect at this stage of the design process. This expertise could benefit the overall design strategy for the site and would help to 'unpack' the vision for the site. Also, their expertise within the team could also help to resolve and rationalise the space around the buildings which at this stage appears unresolved and is essential to a successful design for the site.*

#### *4 Transport*

*4.1 Given the site's central location and accessibility to good public transport links the Panel encouraged the design team to readdress the transport strategy for the site and reduce the proposed level of parking.*

*4.2 The design of the streets and parking should be reconsidered to both reflect the aspirations of the Scottish Government's Policy Document Designing Streets.*

*4.3 If the access road and parking is to remain to the north then the design should allow a more positive and integrated edge to the adjacent development.*

#### *5 Summary*

*5.1 The Panel are uncomfortable with the design approach to date to the site. Their view is that contextual analysis, 3 dimensional design analysis, and a strong landscape design are key to unlocking the potential of this complex and difficult site and would encourage the design team to reevaluate their approach on this basis.*

### **Affordable Housing Section comment 21/12/2013**

Services for Communities has 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 is consistent with Policy Hou 7 Affordable Housing in the Finalised Edinburgh City Local Plan.

As this application is for 238 homes, the Affordable Housing Policy (AHP) will apply. A minimum of 25% of the units are required to be of approved affordable housing tenures, as those found in PAN2/2010 and within the Council's AHP. A total of 59 affordable homes would therefore be required on this development.

The applicant has agreed to provide the full 59 unit 25% affordable housing requirement onsite. This is warmly welcomed by the Department and will be secured through a Section 75 legal agreement. Regarding delivery of the homes, 54 of the 59 homes will be provided through a Housing Association. The 54 unit RSL portion of the development has been included in the Strategic Housing Investment Programme for 2013/14. These RSL units will all be identical to the market homes.

The remaining 5 affordable homes will be provided onsite as Low Cost Home Ownership, using tenures such as Shared Equity and Golden Share. Edinburgh is pioneering a number of these tenures, and these 5 homes will be delivered,

constructed and marketed entirely at the developer's expense, and they will be made available to households earning on or below the average salary in the city. Research (in the Housing Need and Demand Assessment) has shown that 5000 such households are priced out of the housing market in Edinburgh. These homes will contribute to helping the city address this affordable housing need.

The affordable housing element of this proposal will be spread across three well integrated separate plots in the centre of the site and provide a mix of 1 and 2 bedroom apartments of approved affordable housing tenures. These homes will be identical to the market homes. The Department considers this approach will assist in the creation of an integrated, mixed, sustainable community whilst addressing an identified housing need and the proposal is therefore warmly welcomed.

#### Impact of an on-going viability assessment

The department is aware that an open book viability assessment is currently underway (at the time of writing) where the applicant has asked the Council to take cognisance of some challenging viability issues they face in delivering this development. The applicant's books are being scrutinised by colleagues in Estates and the outcome of this process is as-yet unknown.

The potential impact on affordable housing is relatively minimal however. A clarification has been secured from the applicant, and the 54 affordable homes for the Housing Association will be ring-fenced and safeguarded. Those will definitely be delivered onsite and are not under consideration during the viability exercise being undertaken.

The 5 LCHO homes proposed on the site may yet come under consideration. By way of explanation for Committee, the situation concerning those 5 units is as follows:

- Should the Council be satisfied that there is a viability issue on this site, then it is possible that the 5 Low Cost Home Ownership units may be converted into a commuted sum (which would be used for the delivery of affordable housing in the same part of Edinburgh). This sum would be £120,000.
- However, should that viability exercise report that there are no viability concerns, then no justification for a commuted sum would have been evidenced, and Committee may be assured in that case that these will be delivered as 5 unsubsidised LCHO homes on site.

The Department is satisfied with this outcome, which is in line with policy requirements, and would ask that the following details are added to the Informatives section of the report to Committee:

- A Section 75 agreement will be required for the delivery of 59 affordable homes. 54 of these homes will be provided by a housing association and 5 homes will be unsubsidised LCHO.
- The agreement will contain a conditional clause stipulating that the 5 LCHO homes would be provided by means of a commuted sum for the sum of £120,000 depending on the outcome of an ongoing open book viability assessment.
- Should the 5 units be payable as a commuted sum, this sum would be payable on commencement of construction on the Brunswick Road site, thereby ensuring the affordable housing resource comes forward quickly.
- The same palette of materials shall be utilised in the construction of the affordable housing as in the market homes.

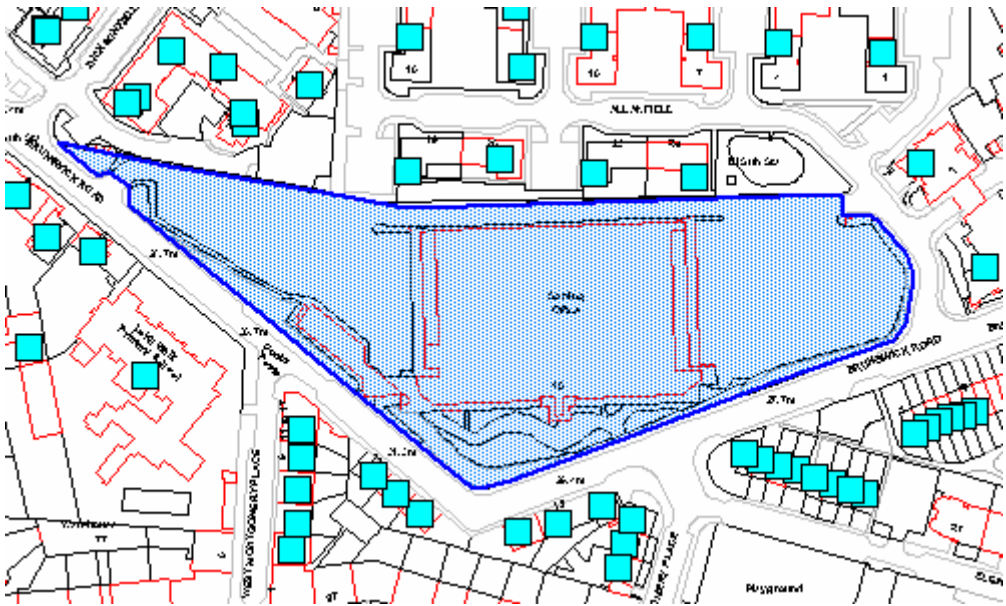
#### Summary



This Department welcomes this proposal and would be happy to assist with any queries around the affordable housing requirement for this development.

### Location Plan

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