

**Full Planning Application**  
**at**  
**1 Shrub Place Lane**  
**Edinburgh**  
**EH7 4PB**

---

**Development Quality Sub-Committee**  
**of the Planning Committee**

**Proposal:** Part of proposed new urban village development;  
comprising mix of new residential, retail and commercial  
uses, open space, landscaping, car parking and access  
roads

**Applicant:** George Wimpey East Scotland Ltd.

**Reference No:** 02/04593/FUL

**1 Purpose of report**

To recommend that the application be **GRANTED** subject to;

**Conditions**

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site;  
Note: samples of the materials may be required.
3. Prior to the issue of consent the developer shall enter into a legal agreement with the Council to ensure an appropriate contribution towards educational infrastructure costs

4. A. Prior to the commencement of work on site,
  - i. a site survey (including bore hole testing where necessary) shall be carried out to establish, to the satisfaction of the Head of Planning & Strategy, either that the level of contamination of any land within the site is acceptable, or that remedial and/or protective measures could be undertaken to bring the contamination to an acceptable level in relation to the development, and
  - ii. a detailed schedule of any required remedial and/or protective measures, including their programming, shall be submitted to and approved in writing by the Head of Planning & Strategy;
- B. any required remedial and/or protective measures shall be implemented in accordance with the approved schedule to the satisfaction of the Head of Planning & Strategy.
5. The applicant shall submit details to demonstrate that the scheme can accord with policies on sustainable urban drainage (SUDS). Details to be submitted for written approval, prior to works commencing.
6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning & Strategy, having first been agreed by the City Archaeologist.
7. 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.
8. The design, installation and operation of all lifts shall be such that any associated noise complies with NR20 when measured within any living apartment.
9. The development shall not commence until a scheme for protecting the residential development hereby approved from noise from the adjacent railway line has been submitted to and approved in writing by the Head of Planning & Strategy; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning & Strategy before any part of the development is occupied.
10. Development shall not start until a viable contract is signed for the construction of the parallel development (planning ref 02/04595/FUL)

## **Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
3. In order to ensure that no burden is placed upon educational infrastructure
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. To ensure the proposal complies with principles of sustainable urban drainage.
6. In order to safeguard the interests of archaeological heritage.
7. In order to protect the amenity of the occupiers of the development.
8. In order to protect the amenity of the occupiers of the development.
9. In order to protect the amenity of the occupiers of the development.
10. To ensure that the amenity of the development is adequate.

## **2 Main report**

### **Site description**

The site extends to 2400sqm approx., and currently contains a featureless, box-form building, the equivalent of 2/3 storeys high, containing a Masonic Lodge club.

It is accessed via a private lane, which runs along the edge of the railway, from Leith Walk.

This section of the site is not in or close to the conservation area, and contains no listed buildings.

### **Site history**

Following refusal of the application on the adjacent bus garage site (14th August 2002) Committee approved an Urban Design Statement for the combined sites (also including Shrubhill House) on 28th November 2002.

### **Development**

The application proposes 59 flats on the site of an existing Masonic Club. The site forms part of a larger joint and parallel application for a further 281 flats on the surrounding site (ref 01/04595/FUL).

Units on this section of the site comprise 54 two-bedroom flats and 5 three-bedroom flats.

Heights in this section, as originally submitted, varied from 5 storeys to 7 storeys. The design is in a contemporary idiom, utilising smooth render, architectural blockwork and metal roofs. The design was amended to emphasise framing elements to the open spaces, and create more cohesive forms in terms of material changes within the blocks.

Car-parking is underground at a ratio of 100%, but is only viable if the parallel application, 02/04595/FUL is approved and built, since access is through that development. Eight surface spaces lie within the technical site boundary, accessed from the other site.

Open space in this site/section of the overall scheme, is around 30%, similar to the overall ratio. In this particular section around half of the provision is hard-landscaping.

## **Consultations**

### **Education**

#### **School Capacities**

This site is located within the catchment areas of Broughton Primary School, Drummond High School, St Mary's Roman Catholic Primary School and St Thomas of Aquin's Roman Catholic High School.

Broughton Primary School and Drummond High School are both operating below capacity at present and are both expected to remain in this position for the forecast period. Both schools would have spare capacity to accommodate this development.

St Mary's Roman Catholic Primary School is operating close to capacity at present, however, there would be spare capacity to accommodate this development.

St Thomas of Aquin's Roman Catholic High School is operating above capacity at present and is expected to remain in this position for the forecast period. In line with Council's Developer Contribution Policy, a contribution of #590 would be required to alleviate accommodation pressures at this school.

The forecasts are based on 2001 Start of Session School Rolls and housing completions identified in the Draft Housing Land Audit 2002. Revised child to house ratios have been applied.

#### **Summary**

There is no spare capacity at St Thomas of Aquin's Roman Catholic High School. In accordance with Council's Developer Contribution Policy a contribution of #590 should be sought towards alleviating the accommodation pressures at this school.

## **Housing**

The application sites comprise the former LRT Transport Depot at Shrub Place and the Masonic Social Club and Car Park immediately adjacent to it at 1, Shrub Place Lane.

Both sites contribute to what is described as a new urban village development and this department has therefore elected to prepare a single consultation response.

I am aware that Application No. 02/04595/FUL is described as a "re-submission" and relates to the LRT site where an application for residential development was recently refused. The City Development Department had elected not to apply the Affordable Housing Policy (AHP) to that previous application.

Having been refused, this Department's interpretation of the AHP is that it must be applied to current application. It also applies to Application No. 02/04593/FUL.

### **The Affordable Housing Policy**

The Housing Department has worked with planning to develop a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy for the city. The Affordable Housing Policy makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at Ward level other than for sites of over 500 units. In Broughton Ward, in which these sites lie, the provision for affordable housing within sites of 25 or more units is 25%. Application No. 02/04595/FUL comprises a total of 281 residential units and the AHP requirement therefore equals 70 units. Application No. 02/4593/FUL comprises 59 units and the AHP requirement equals 15 units.

The total number of units proposed on both sites is 340 units of which 85 should be affordable.

In terms of house type, the applications are heavily weighted towards one and two bedroom flats. Indeed these comprise 301 of the 380 units proposed i.e. 79%.

In the case of the affordable housing units, this Department is of the view that approximately 25% of those required by the policy (i.e. 20 units) should have three or more bedrooms, in other words that it is family housing. Indeed I suggest that the inclusion of a higher number of family houses amongst the private housing element of the proposal would improve the housing mix of the site as a whole.

I also recommend that 10% of the affordable units are wheelchair accessible. This could perhaps be most easily achieved by locating them in ground floor properties.

However, this Department notes that neither application makes provision for affordable housing. They are therefore contrary to policy and refusal is recommended.

## **Culture and Leisure**

The present LRT Engineering works, which still contain elements of the late 19th Edinburgh Tram Works, area constructed over the site of the historic 18th Century Shrub House. First shown on Ainslie's 1804 plan of Edinburgh this building

survived until 1890s when it was demolished during the expansion of the Tram works. The area of the site located beside Leith Walk was from the late medieval period onwards the site of one of Edinburgh's town gallows. The gallows were first recorded here in 1570 and continued in use at this site into the later half of the 18th Century.

The site is therefore regarded as occurring within an area of significant archaeological potential, with the surviving buildings of the 19 Century Tram works also regarded as being of historic importance. Accordingly this application should be considered under the following planning policies issued by the Secretary of State for Scotland: National Planning Policy Guidance 18: Planning and the Historic environment (NPPG 18), 1999, National Planning Policy Guidance 5: Planning and Archaeology (NPPG 5) and the accompanying Planning Advice Note 42 (PAN 42), 1994. 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.

Further an assessment of the location and likely impact of the proposed development has led to the conclusion that the impact of the proposed development would not be sufficient to justify refusal of consent, on archaeological grounds. However, it is essential that the site is investigated prior to development and any archaeological remains excavated and recorded where preservation in situ is not possible. Further it is essential that photographic and written survey, linked to an appropriate level of documentary research, be undertaken of the 19th Century Tram works prior to their conversion and or demolition.

It is recommended therefore that this programme of works (excavation and historic building recording) is secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows:

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, working either 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 archaeological work and for the archiving and appropriate level of publication of the results lies with the applicant.

### **Environmental and Consumer Services**

No objections to this proposed development subject to the following conditions.

The development shall not commence until the developer has acquired planning permission to develop the site detailed in planning application number 02/04595/FUL for residential housing and commercial use.

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.

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

## **Transport**

No objection to the application subject to the following conditions being applied:-

- 1) Developer to comply with recommendations of road user safety audit.
- 2) On street and underground parking areas shall be communal amongst the flats they are allocated to.
- 3) Three parking spaces are to be marked out for exclusive use by the city car club.
- 4) All areas which are prospectively public are to be built to adoptable standards. A road construction consent will be required.
- 5) The developer shall contribute to the cost of introducing parking restrictions in and around the development following the formal adoption process to the satisfaction of the Director of City Development. The costs involved will cover the laying down of the markings and all costs involved in progressing the necessary traffic regulation order.
- 6) The development shall not be occupied until traffic-calming works are in place in Dryden Street to the satisfaction of Director of City Development and at the Developers expense.
- 7) The development shall not be occupied until traffic signal improvement works are in place at the junction of Leith Walk and Pilrig Street to the satisfaction of the Director of City Development and at the Developers expense.
- 8) The developers enter into a suitable legal agreement to contribute to the cost of the implementation of the Leith to Straiton Quality Bus Corridor scheme.
- 9) The developers to enter into a suitable legal agreement to contribute to the start up costs of establishing a user group of city car club users among their owner/occupiers.

## **Representations**

The application was advertised on 10th January 2003.

81 representations were received to the main application, most of which also refer to this application reference number in their response. Issues relating solely to this section of the site are:

1. Overdevelopment
2. Excessive height/density
3. Loss of views

## Policy

The site is identified Business/Industry in the North East Edinburgh Local Plan. The revision to the local plan reidentifies the site as a specific Housing site. Urban Design Statement: Shrub Place sets out specific principles for the redevelopment of the combined sites.

### Relevant Policies:

Policy E25 (DESIGN OF NEW DEVELOPMENT - OBJECTIVE): encourages new development of the highest possible standard.

Policy E26 (QUALITY OF NEW DEVELOPMENT): sets out general design requirements for new development, and requires particular attention to be paid to main approach roads to the city centre and seafront and waterfront locations.

Policy E7 (OPEN SPACE PROVISION): specifies minimum standards of open space provision in new housing developments to meet both recreational and amenity needs.

Policy T7 (CYCLE PARKING) requires new development to provide secure cycle parking in conformity with approved standards and in appropriate public locations where it contributes to greater cycle use.

Policy T10 (PRIVATE CAR PARKING) requires all new development to comply with approved car parking standards as set out in the Development Control Handbook

Policy H4 (DESIGN OF NEW HOUSING DEVELOPMENT) sets out general design considerations for new housing development.

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

## 3 Conclusions and Recommendations

### DETERMINING ISSUES

The determining issues are

Do the proposals harm the character or appearance of the Conservation area? If they do, there is a strong presumption against the granting of permission.

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?

### ASSESSMENT

In order to determine this application the Committee should consider a) the principle of residential use b) the effect of the scale, form and design on the character of the area c) parking and road safety d) open space and landscape considerations e) effect on the amenity of neighbours f) amenity of created flats.

The Urban Design statement sets out principles for redeveloping the combined sites, and is a material consideration in determining this application. This site lies within the second and third areas of the masterplan, which should relate to the Inchkeith Court tower block and the Shaws Colonies respectively; but its primary impact is to the railway and McDonald Road.

a) There is no loss of industry or business created by the proposal so local plan policies relating to these issues are not relevant. Over and above this, the proposed variation to the local plan, now presumes residential redevelopment of this site.

There is therefore no objection to residential redevelopment of this site.

Education require a financial contribution to meet infrastructure requirements.

Affordable Housing is not included (the arguments for this relate largely to the parallel application, 02/04595/FUL). A 15% provision on this section would have generated 9 Affordable Housing units. Committee in discussing the overall site development have already agreed that they are willing to consider this as part of the overall site, and that in the overall site, a nil provision is acceptable, given the application history.

b) The relationship of the overall development to the Urban Design Statement approved by the Committee is largely addressed within the parallel application. This section of the overall site complies with the overall guidelines to the same degree as the overall site development, with few guidelines specifically being directed to this area. This section would become part of a range of buildings along the edge of the railway line, with no visible division between this and the bulk of the site.

This section of the overall development ranges from 5 storey to 7 storey, all standing on an underground car park. The section knits into the overall concept for the wider site in a cohesive manner.

The 7 storey sections breach the Design Statement for the site, but closely match existing heights on McDonald Road to the south, and do not rise above the general roofscape of the surrounding area as seen from public streets. Although visible from buildings directly facing the site, the proposal therefore has limited impact on the wider area.

As seen from the nearest public viewpoint, Calton Hill, only small sections of the south uppermost floor and its roof would be visible at an extreme distance. The south side of McDonald Road and Inchkeith Court would remain the dominant feature in this view towards this part of the city.

c) Parking for this section is only accessible via the neighbouring site, through its own redevelopment. As long as this is achieved 100% parking is met. If the parallel application is not achieved this scheme is completely unviable, and cannot be independently approved. A condition is therefore suggested to ensure this.

No Transport issues arise as this site takes its access from the remainder of the proposal. Road safety issues etc. are therefore only pertinent to the larger parallel application, which takes these car numbers into account in its overall assessment.

d) By placing the majority of the parking underground, open space on this site totals around 30%, in a roughly equal split between hard and soft landscaping. This is considered adequate, and amenity is complemented by the immediately adjacent landscape strip of the railway cutting to the south.

Details of the overall concept of landscape and open space are addressed within the parallel application covering the bulk of the site.

e) The nearest residential neighbours are 58m distant from the closest built elements. There is no significant effect on privacy or overshadowing to neighbouring properties. Views from rear windows of upper flats in MacDonald Road will be lost across the site but this is not a Planning issue.

f) The site adjoins an operational railway line serving the Powderhall Refuse facilities. There is no effect on or prejudice to this land, but it raises certain amenity issues within nearby proposed flats. However, there are already a great number of existing properties along the length of the railway line.

A condition is imposed to address potential noise from the railway.

In conclusion the development accords generally with the approved Design Statement, apart from those areas highlighted above. The deficiencies could be met by further development of the scheme, covered by additional conditions if necessary.

It is therefore recommended that the Committee approves this application, subject to the conditions stated.



---

**Alan Henderson**  
Head of Planning and Strategy

**Contact/tel** Stephen Dickson on 0131 529 3901 (FAX 529 3706)

**Ward affected** 19 -Broughton

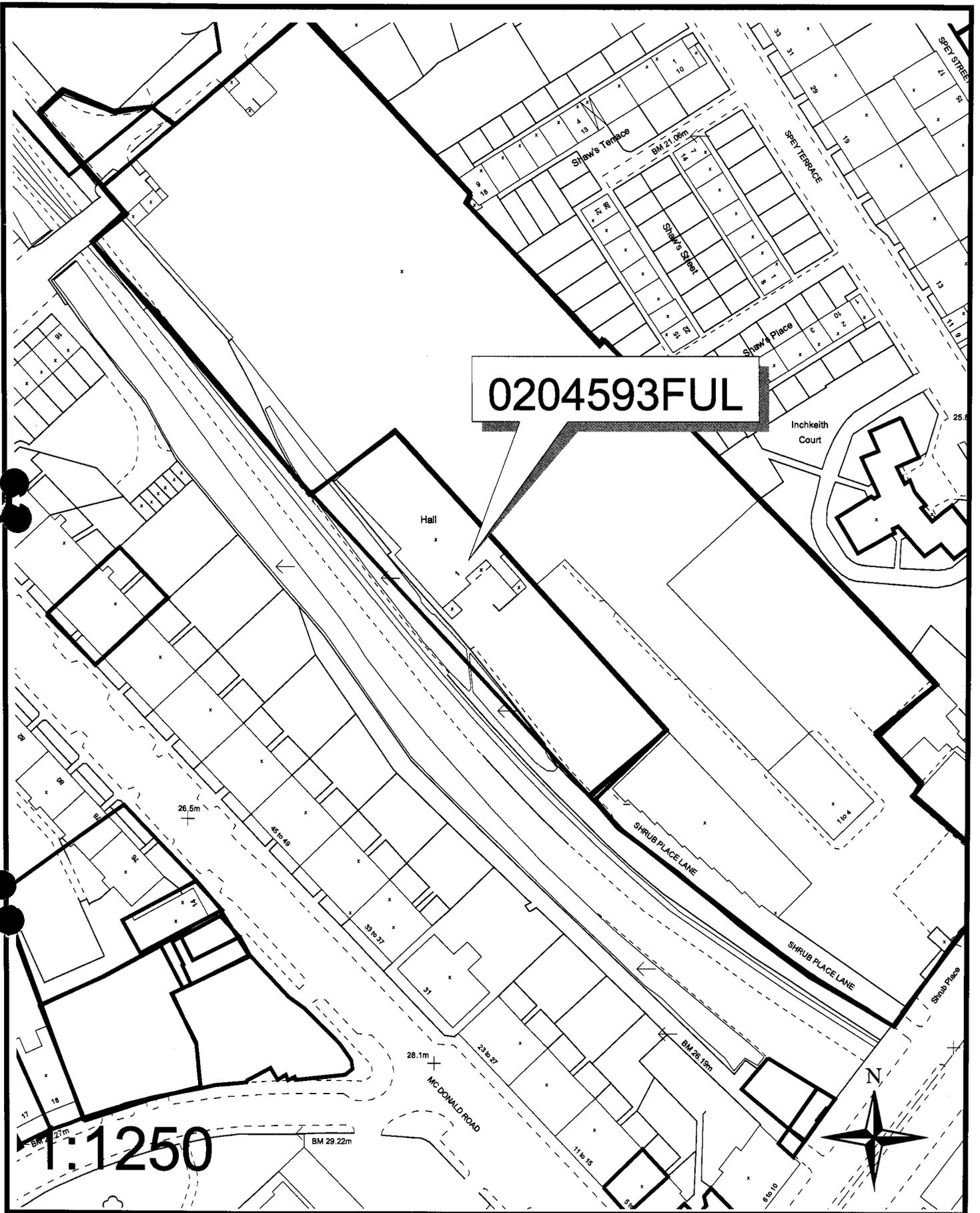
**Local Plan** North East Edinburgh

**Statutory Development  
Plan Provision** Business/Industry

**File** AF

**Date registered** 23 December 2002

**Drawing numbers/  
Scheme** see 02/04595  
Scheme 2



Reproduced from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number LA 09027L City of Edinburgh Council 1998

# PLANNING APPLICATION

## The City Development Department - Planning