

**Planning Permission 12/01683/FUL**  
**at**  
**33 Ellersly Road**  
**Edinburgh**  
**EH12 6HX**

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

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**1 Purpose of report**

To consider application 12/01683/FUL, submitted by S1 Developments Ltd And Rumney Manor Ltd. The application is for: **Residential development comprising 19 houses and 32 flats (as amended).**

It is recommended that this application be **Granted** by Committee.

**2 The Site and the Proposal**

**Site description**

The site extends to approximately 1.38 hectares and is located to the north east of the junction of Ellersly Road and Corstorphine Road. An office building within the site was demolished several years ago and the site is now vacant.

The surrounding area is mainly residential. Ellersly Road lies to the west and north of the site, with housing beyond. The three and four-storey Guardianswood residential development and lower-rise residential property at 40 Corstorphine Road sit to the east. Corstorphine Road lies immediately to the south of the site, with three-storey tenements and some local shops below. There is a high stone wall surrounding the site. The site slopes steeply down from north to south.

The vehicular and pedestrian access to the site is from Ellersly Road on the north, via a road opening and a small door set into the north boundary wall. There is also pedestrian access from Corstorphine Road through a gate. There are numerous trees across the site, with a particularly significant group towards the south. These trees are covered by a Tree Preservation Order.

This property is located within the West Murrayfield Conservation Area.

### **Site History**

21 February 2008 - planning permission and conservation area consent refused for demolition of existing offices and erection of 119 flats with associated parking and landscaping (application numbers 07/04755/FUL and 07/04755/CON).

Reasons for refusal were:

- Demolition would have an adverse impact on the conservation area
- Inappropriate design of proposed development

Appeals against refusal of application numbers 07/04755/FUL and 07/04755/CON were lodged and withdrawn.

6 November 2008 - planning permission and conservation area consent refused for demolition of existing offices and erection of 91 residential units with associated parking and landscaping (application numbers 08/02952/FUL and 08/02952/CON).

Reasons for refusal were:

- Demolition would have an adverse impact on the conservation area
- Inappropriate design of proposed development
- Failure to fully assess impact on trees
- Insufficient sustainability information submitted

30 September 2009 – application for planning permission for demolition of existing offices, and erection of 72 residential units with associated parking and landscaping (as amended) was considered by Committee. It was minded to grant subject to completion of a legal agreement. The agreement is not in place and the application is currently pending determination (application number 09/01115/FUL).

9 November 2009 - conservation area consent granted for demolition of existing building and relocation of north boundary (application number 09/01115/CON).

26 January 2011 – proposal of application notice for residential development of up to 125 apartments in phase blocks with underground parking, retaining the existing landscaping to the south (reference number: 11/00027/PAN). This has not proceeded to a formal planning application.

### **Pre-Application Process**

Pre-application discussions took place and advice was given on refining the proposal. In accordance with the Planning etc (Scotland) Act 2006, a Proposal of Application Notice (11/03520/PAN) was submitted on 2 November 2011. Copies of the notice were also issued to:

- Murrayfield Community Council
- Western Edinburgh Neighbourhood Partnership

A community consultation event was held on 30 November 2011. Approximately thirty people attended. The main feedback was:

- family housing welcomed
- scale and massing more appropriate to the area than previous proposals
- good quality traditional materials and detailing preferred
- proposal in keeping with area character
- retention of mature trees to south important
- pedestrian link to Corstorphine Road welcomed
- Guardianswood residents (to east of site) preferred reduction in height compared to previous proposals
- concerns raised by Hermitage residents (to north of site) about height of flats
- current traffic concerns raised and crossing point suggested on Ellersly Road

The proposals were presented to Murrayfield Community Council on 14 December 2011, when the community council agreed to support the proposal.

A copy of the Pre-Application Consultation Report is available to view on Planning and Building Standards Online Services.

The proposals were submitted to the Edinburgh Urban Design Panel on 7 December 2011. Full details of the report can be found in the Consultations section.

## Description Of The Proposal

It is proposed to erect a residential development of 19 houses and 32 flats. The accommodation will be laid out in three flatted blocks (north, central and south) and two terraces of family housing.

The existing site access on the north will be narrowed to approximately six metres wide, and the principal access moved to the west. This will serve the two terraces running east to west, in parallel and facing each other in the north part of the site, creating a new urban street. All the terraced houses will be three storeys high to the north, with a fourth level to the south. The houses will have between three and five bedrooms each, a front and rear garden, an integral garage and front driveway. The southern terraced houses will each have a separate garden room at the south end of each garden.

Along the eastern boundary of the site are three flatted blocks. The north and south blocks will be four storeys high to the north, with a fifth storey to the south. The central block will be five storeys high throughout. The top floor of each block will be set back to some extent. The flats will be a mixture of one, two and three bedrooms.

Car parking for the northernmost block will be within a small courtyard on the north, accessed from Ellersly Road. Car parking for the central and southern blocks will be partly integral garaging and partly external car parking running down the east boundary. There will be bike storage areas within each of the three blocks. An additional pedestrian gate will be set into the west boundary wall and serve the south of the site.

The design will be contemporary throughout. Proposed materials are buff-coloured natural stone, acid etched cast stone for the cills and lintels, and glazing and timber elements for the terraces and blocks, metal balconies and buff-coloured brick are proposed for the internal garden walls and garden rooms. Concrete pavers are proposed for the internal road and courtyards. Alterations to the boundary walls will be in natural stone.

The landscaped southern area will contain a tennis court and children's play area. Healthy trees currently on site will be retained, with the possible exception of three birches. Additional tree planting and landscaping are proposed.

### Previous scheme (Scheme1)

Scheme 1 was revised in response to concerns raised. The main changes are:

- The number of flats has decreased from 34 to 32 and the number of townhouses from 21 to 19
- Incursion into the southern landscaped area has been reduced by removing a block and access road on the southwest and pulling back the building line on the southeast

- The building footprints have been adjusted to create a new street which references the wider area
- The north east flatted block has been reconfigured to address the new street and Ellersly Road
- The footprint of the largest flatted block is reduced by over fifty per cent
- The introduction of an east-west double-sided terrace creates semi-private front gardens and private rear gardens
- The main access has been moved to service the new residential street. This is supported by a Road Safety Audit
- A secondary access is formed by narrowing the existing opening on the north boundary
- The southern townhouses have garden rooms, to improve the relationship between private and shared space
- A tennis court (private) is proposed in the landscaped area
- The proposed element of render has been removed

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

- Pre-Application Consultation Report
- Sustainability statement
- Design and Access Statement
- Trees and Development Statement
- Supplementary Tree Protection Plan
- Noise Impact Assessment (updated)
- Ground Investigation Report (update)
- Access Statement
- Road Safety Audit (amended)
- Ecology Survey
- Drainage Report

- Surface Water Flowpath Layout

### **3. Officer's Assessment and Recommendation**

#### **Determining Issues**

Do the proposals harm the character or appearance of the conservation area?  
If they do, there is a strong presumption against 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**

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

- (a) the principle of residential development is acceptable in this location;
- (b) the proposal will preserve or enhance the character or appearance of the conservation area;
- (c) the proposal's design and landscape impacts are acceptable;
- (d) the proposal affects the residential amenity of neighbours and provides sufficient residential amenity for the occupiers of the development;
- (e) the proposal raises highway issues;
- (f) the proposal will affect natural heritage;
- (g) the proposal raises any flooding and drainage issues;
- (h) the proposal is acceptable in respect of education infrastructure, affordable housing provision and archaeology;
- (i) the proposal meets sustainability criteria; and
- (j) there are any other material considerations.

### **(a) Principle**

The principle of residential development on this site was assessed in connection with the previous planning application 09/01115/FUL, and found acceptable by the Development Management Sub-Committee. The surrounding area is mainly residential and the site is identified in the local plan as lying within the Urban Area, where residential use is supported. The principle of residential development with a mix of unit-type, including family housing, is acceptable in this location.

### **(b) Conservation area**

The West Murrayfield Conservation Area Character Appraisal was approved by Committee in April 1986, at which time it did not include the application site. The conservation area was extended in March 2007 to include the application site, the adjacent flatted development at Guardianswood on Ellersly Road, and an area at Ravelston Dykes Road. None of these additions was noted as part of any architectural sub area in the character appraisal.

The character appraisal describes the essential character of the conservation area as:

- *South facing slopes and clear views over the surrounding countryside.*
- *Continuous high stone boundary walls at the heel of the pavement, occasional formal gate piers and lodge houses reinforce an impression of grand country houses.*
- *The height of the walls and the maturity of the tree growth almost completely obscures development within, giving an impression of seclusion and privacy.*
- *The streets are the only public spaces inside the conservation area.*
- *There are significant contrasts in spatial structures with those of surrounding development.*

The proposal substantially retains the existing high stone boundary wall, reducing the current width of the northern vehicular access and introducing a main vehicular access on the west. This new access in the boundary wall allows the formation of a new urban street and a better design solution. An additional pedestrian access gate is set into the west boundary. The boundary wall will curve into the site on both vehicular accesses, with a gate added on the north access, to limit public view and increase the characteristic impression of privacy and seclusion. Due to transport restrictions, a gate is not proposed for the main west entrance. The character appraisal's emphasis on privacy is also respected by there being no through access for vehicles, restricted public access through the site, and the height of the boundary wall being maintained.

The southern part of the site is allocated to landscaped grounds, where healthy existing trees are to be retained, with the possible exception of birches on the east boundary. This emphasis on tree cover, particularly in the southern part of the plot, supports the conservation area character. The proposed buildings will be most publicly visible from the north and north west, where there has been a history of greater visibility into the site. The character appraisal notes that there is 'no dominant architectural style' in the conservation area, and that 'buildings are individually designed and influenced by popular styles of the time or period.' The scheme is a cohesive contemporary and bespoke response to the character and spatial pattern of the conservation area.

The proposed cast stone elements and concrete pavers on the main internal road are not of sufficiently high quality for the conservation area and a condition is recommended requiring the approval of all materials, with full sample panels, prior to the commencement of works on site, by the Head of Planning and Building Standards.

From the view analysis provided, the two blocks on the western edge form a similar relationship with the existing stone wall to terraced properties found within the wider Murrayfield area. The proposal forms a new street set out with terraced houses as found elsewhere in the conservation area. The size and layout of the terraced town houses and flatted blocks provide a contemporary interpretation of the diverse nature of the area, which includes terraced housing and large individual houses.

The overall effect of the proposal on the conservation area is the establishment of a high quality, private residential development, set behind a high stone wall and substantially concealed from public view within generous landscaped grounds. In summary, the proposal preserves the character of the conservation area and provides it with a contemporary, bespoke development.

### **(c) Design and landscape**

The height, mass and scale of the proposal, will be in keeping with development in the wider area and will have a positive impact on its setting. It will not intrude upon the skyline. The combination of terraced family housing with private gardens and larger flatted blocks will provide a mix of housing types.

The proposal is a cohesive design solution that is contemporary and of high quality. The initial scheme was revised to ensure architectural coherence of design. The access was changed from the north side to the west to allow a street to be formed which curves down the east side of the site and all new building relates to this street. Retention of the existing access would have led to a fragmented development which would not relate well to the site's landscape quality.

The use of high quality materials, predominantly stone with limited use of timber, reinforces the character of the area. Brick is not appropriate for the gable walls of the terraced housing, as shown on the plans submitted, as it undermines the coherence of the design. Natural buff-coloured stone should be used instead and a planning condition to this effect is recommended. The inclusion of high quality buff brick signals the more domestic nature of the rear garden division walls and separate garden rooms. The garden rooms of the southern townhouses are a creative approach to linking public and private space.

The proposal includes horizontal photovoltaics on the roofs of the terraced houses. Given the roof structure, this should not have an adverse visual impact. However, for the avoidance of doubt a condition is recommended to require the prior approval of the Head of Planning and Building Standards of the details of the horizontal photovoltaics before work commences.

The garden rooms are situated beside the southern landscape area. Investigations, including a trial pit and inspection by one of the Council's arboricultural officers were carried out. These established that an existing retaining wall will protect the roots of adjacent trees from possible damage caused by the foundations of the garden rooms. The proximity of trees, in particular the mature pine tree (T437), to the garden rooms, gives rise to safety issues from falling branches. While it is the responsibility of owners to ensure the regular inspection and maintenance of trees, the proximity may create pressure to have trees cut back or removed. To avoid this, and retain the particular character of the landscape area, a planning condition is recommended. This should require the applicant to submit a detailed design for the garden rooms, incorporating structural reinforcement, for the consideration of the Head of Planning and Building Standards. No development should begin until approval has been given in writing. The design should be implemented within six months of the completion of the southern townhouses. In addition, the condition should require the height of garden rooms to be limited to one storey.

A strong landscape strategy is the key to the successful development of this site, particularly given the characteristics of the conservation area. The retention of mature trees and the creation of a landscaped amenity area with tennis court and play area will contribute to a socially active green space. This use will have the benefit of additional security. New tree planting proposed along the internal road will enhance the appearance and amenity of the residents and the wider area. To ensure landscape quality, a condition is recommended requiring the applicant to submit a fully detailed landscape plan, including all hard and soft landscaping, tennis court details, planting and maintenance proposals, for the approval of the Head of Planning and Building Standards, prior to work commencing on site.

Overall, this proposal will create a high quality townscape, cohesive residential layout and living environment to complement the context.

#### **(d) Residential amenity**

The proposal complies with planning guidance in terms of daylighting, sunlight and privacy distances. The submitted drawings show compliance with both CEC Guidance for daylight (25 degree) and sunlight (45 degree) tests. While the south block overlooks the garden to the east, the block is set back 12.5 metres from the boundary. This exceeds the minimum recommended guideline distance and privacy to the neighbouring garden will not be materially harmed.

Environmental Assessment advises that the proposed development is located between two of Edinburgh's Air Quality Management Areas on the Corstorphine Road. It notes that the proposed residential development will result in decreased traffic flows by comparison with the previous office use and does not object to the current proposal.

The applicant has submitted a Noise Impact Assessment, which indicates that that the site is exposed to noise from Corstorphine Road and Ellersly Road. Environmental Assessment recommends a condition requiring the implementation of acoustic mitigation measures for glazing and ventilation on specific facades. To protect the future and adjacent residential amenity, a condition requiring lifts in the development to comply with NR20 and vibration restrictions is also recommended.

The site is brownfield and, to protect human health and the wider environment, a condition requiring a site contamination survey and any required remedial measures is recommended.

In summary, future residents will have adequate amenity and the amenity of adjacent residents will not be adversely affected.

#### **(e) Highway issues**

The street layout within the scheme takes account of Designing Streets guidance. Car and cycle parking is in accordance with Council guidance.

The application is supported by an access statement and traffic safety audit. These address the impact of proposed vehicular access from the site.

The access statement states that parking will be in accordance with Council parking standards, that there will be a new west access to the site from Ellersly Road, and that the access will be limited to 'left-in-left-out' movements. It finds that the access would be suitable to serve the development subject to minor mitigation measures relating to U-turn prevention, road markings, and Road Safety Audit provisions being addressed.

Transport Planning has considered the access statement and safety audit and has no objections to the proposal subject to a number of specific transport interventions to cover public transport, safer routes to schools and signalling.

A suitable legal agreement will be required to secure the transportation requirements. The applicant has indicated that it is prepared to enter into a legal agreement to that effect.

In summary, the proposal will have less overall impact on the road network than the former office use and will not raise any road safety or other traffic implications that cannot be addressed by a separate legal agreement.

#### **(f) Natural heritage**

The applicant has submitted an ecology report. This includes a site survey for evidence of, or potential for, use by species protected by European or national legislation. It found no evidence of any protected species on site. It notes the applicant's duties under natural heritage protection legislation. An informative reminding the applicant of these is recommended.

#### **(g) Flooding and drainage**

SEPA and Scottish Water have been consulted and do not object to the proposal. The applicant has submitted a drainage report and flow path diagram. These have been considered and the Council's Flooding function advises that it has no objections to the proposal provided various provisions are complied with. These relate to: gully maintenance; solum grading and drainage openings; title deed restrictions on materials and flowpaths; path maintenance, height and levelling; and ground levels. Planning does not control these issues. Both the applicant and Building Standards have been advised of the provisions and the applicant has confirmed that its legal advisors have been instructed to include relevant legal conditions in the property title deeds.

Sufficient evidence has been provided to satisfactorily address flooding and drainage issues on the site.

#### **(h) Education infrastructure, affordable housing and archaeology**

Children and Families advises that, while there is current capacity in local secondary schools to accommodate the proposed development, primary school rolls are expected to rise in forthcoming years. Therefore, developer contributions are sought for works to help address emerging accommodation issues at Roseburn Primary School. Based on a development of 19 houses and 32 flats a standard developer contribution of £61,900 would be required, secured through a section 75 legal agreement.

In accordance with CEC policy, there will be a 25% affordable housing requirement, as the proposal is for more than 12 residential units. The Council's expectation is that these will be located on-site, unless there is a satisfactory and clearly-evidenced justification for provision off-site. The Council's Affordable Housing function advises that the applicant has submitted information demonstrating that the expected construction costs, using expensive materials in a prominent location within the conservation

area, preclude the delivery of viable on-site affordable housing and that off-site provision is justified in this instance. Therefore, a commuted sum of £325,000 is recommended, secured through a section 75 legal agreement.

The applicants have indicated that the developer contributions being sought are challenging in relation to project viability. While the applicants are willing to meet these contributions they have asked for the payment of these contributions to be deferred in order to assist with cash flow and project delivery. This is considered to be acceptable and is in accordance with the Council's Economic Resilience Action Plan.

It is considered that the development site does not have the capacity to have a significant adverse impact on the provision of local services.

The City Archaeologist raises no objection to the proposal but advises that the site has archaeological potential in terms of our understanding of Late Georgian/Early Victorian expansion of Edinburgh and the development of Hazelbank House. The aim should be to preserve archaeological remains in situ as a first option, but where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative. Should Committee be minded to approve the application, it is appropriate to impose a condition requiring a programme of archaeological work in accordance with a written scheme of investigation approved by the Head of Planning and Building Standards, prior to the commencement of development.

The proposal does not have a detrimental effect on the historic environment.

In summary, there is no education infrastructure, affordable housing or archaeological constraints to development, subject to an appropriate legal agreement covering affordable housing and education infrastructure contributions.

### **(i) Sustainability**

The applicant has submitted a Sustainability Statement in support of the application. This document is available to view on Planning and Building Standards Online Services.

<u>Essential Criteria</u>	<u>Available</u>	<u>Achieved</u>
Section 1: Energy Needs	20	20
Section 2: Water Conservation	10	10
Section 3: Surface Water Run Off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total Points:	80	80

## Desirable Elements

The applicant has also provided a commitment to further sustainability measures as set out in the desirable elements. Additional measures include rainwater harvesting, home composting facilities and provision for any excess electricity generated by solar panels on the townhouses to be supplied to the National Grid.

The proposal complies with the requirements of Parts A and B of the Edinburgh Standards for Sustainable Buildings.

### **(j) Other material considerations**

The application site is in within an airport safeguarding zone. Edinburgh Airport has assessed the application from a safeguarding perspective and raises no objections subject to the inclusion of a planning condition to ensure the safe movement of aircraft and operation of the airport. This condition relates to Bird Hazard Management.

Scottish Power has been consulted and does not object to the proposal.

Lothian and Borders Police supports restricted public access to the southern landscaped part of the site, for safety and public order reasons. It advises that a suitable lighting strategy will be also required to ensure community safety. Lighting for the internal road will be considered as part of the Road Construction Consent. Lighting in the southern landscaped area will be considered as part of a detailed landscape plan.

In summary, there are no other material considerations that would merit the refusal of this application.

## Community Councils

Murrayfield Community Council has objected to the proposals. Full details can be found in Appendix A.

## Conclusion

In conclusion, the proposal complies with the development plan and non-statutory guidance. The high quality design will preserve the character and appearance of the conservation area. The scheme will aid the provision of family accommodation on a currently vacant site. In other respects the proposal is acceptable in terms of residential amenity, transportation, ecology and sustainability. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application subject to conditions relating to materials, design, landscape, archaeology, noise, site contamination and bird hazard management and legal agreement relating to transport, education, and affordable housing, detailed at appendix B.

## REASON FOR DECISION

The proposal complies with the development plan and non-statutory guidance. The high quality design will preserve the character of the conservation area. The scheme will aid the provision of family accommodation on a currently vacant site. The proposal is acceptable in terms of residential amenity, transportation, ecology and sustainability.

**David R. Leslie**

Acting Head of Planning & Building Standards

<b>Contact/tel</b>	Eileen McCormack on 0131 529 3609
<b>Ward affected</b>	A06 - Corstorphine/Murrayfield
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Urban Area
<b>Date registered</b>	14 May 2012
<b>Drawing numbers/ Scheme</b>	30-31,32A-34A,35B-37B,38A,39-43,44A,45A,46-50,51A-57A,58-60 Scheme 2

### **Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing at [Planning and Building Standards online services](#)

If you require further information about this application you should contact the following Principal Planner, Elaine Robertson, 0131 529 3612, [e.robertson@edinburgh.gov.uk](mailto:e.robertson@edinburgh.gov.uk)

## Appendix A



**Application Type** Planning Permission  
**Application Address:** 33 Ellersly Road  
Edinburgh  
EH12 6HX

**Proposal:** Residential development comprising 19 houses and 32 flats (as amended).

**Reference No:** 12/01683/FUL

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### Consultations, Representations and Planning Policy

#### Consultations

##### Archaeology - response dated 21/05/2012

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for a residential development comprising 21 Houses and 34 flats.*

*The site occurs along on the main historic road leading into Edinburgh from the west, established in the medieval period but likely to follow an earlier Roman road. Until the former Hazelbank House was constructed in the first half of the 19th century on this site historic maps indicate that the site remained open ground, possibly farmland. The 1st Edition OS map of the 1850's shows Hazelbank house as a group of buildings underlying the site of the present offices, with walled-gardens to the rear (south) and a gatehouse adjacent to the main entrance onto Corstorphine Road. All visible remains, within the exception of the sites boundary walls, of this 19th century Villa have removed by the subsequent construction of the now demolished 1980's offices designed by RMJM.*

*The site is considered to be of archaeological potential in terms of our understanding of Late Georgian/Early Victorian expansion of Edinburgh and the development of the Hazelbank House. Accordingly must therefore be considered under terms of the Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan (adopted 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.*

*Although it is expected that the construction of the former RMJM offices has removed most of if not all of the traces of the former early/mid-19th century Hazelbank House, remains of its former walled gardens and gatehouse may survive to give information regarding this little known House. Accordingly it is recommended that a suitable programme of works is undertaken during ground-breaking works and that any significant archaeological remains uncovered by this work be excavated and recorded, by a professional archaeologist, where preservation in situ is not possible.*

*It is recommended that this programme of archaeological work be secured using the following condition;*

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

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

### **Archaeology - response dated 22/10/2012**

*Further to your consultation request concerning this revised application for a residential development comprising 21 Houses and 34 flats I refer you to the following comments and recommendations made earlier in response to the initial scheme and which still remain germane.*

*The site occurs along on the main historic road leading into Edinburgh from the west, established in the medieval period but likely to follow an earlier Roman road. Until the former Hazelbank House was constructed in the first half of the 19th century on this site historic maps indicate that the site remained open ground, possibly farmland. The 1st Edition OS map of the 1850's shows Hazelbank house as a group of buildings underlying the site of the present offices, with walled-gardens to the rear (south) and a gatehouse adjacent to the main entrance onto Corstorphine Road. All visible remains, within the exception of the sites boundary walls, of this 19th century Villa have removed by the subsequent construction of the now demolished 1980's offices designed by RMJM.*

*The site is considered to be of archaeological potential in terms of our understanding of Late Georgian/Early Victorian expansion of Edinburgh and the development of the Hazelbank House. Accordingly must therefore be considered under terms of the Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan (adopted 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.*

*Although it is expected that the construction of the former RMJM offices has removed most of if not all of the traces of the former early/mid-19th century Hazelbank House, remains of its former walled gardens and gatehouse may survive to give information regarding this little known House. Accordingly it is recommended that a suitable programme of works is undertaken during ground-breaking works and that any significant archaeological remains uncovered by this work be excavated and recorded, by a professional archaeologist, where preservation in situ is not possible.*

*It is recommended that this programme of archaeological work be secured using the following condition;*

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

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

### **SEPA - response dated 21/05/2012**

*Thank you for your consultation letter of 16 May 2012 which SEPA received on 16 May 2012.*

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

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take into account factors not considered at the planning stage.*

*Advice for the planning authority*

## 1. *Foul Drainage*

1.1 *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.*

## 2. *Surface Water Drainage*

2.1 *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. The design of the drainage system must be site specific and dependent upon the presence of any contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations.*

2.2 *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.*

2.3 *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. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.*

## 3. *Waste Management*

3.1 *In accordance with Scottish Planning Policy, space for collection, segregation and storage of waste (eg individual and/or communal bin stores) should be allocated within the planning application site layout. Please consult with your local council's waste management team to determine what space requirements are required within the application site layout. Some local authorities have an information sheet setting out space requirements.*

### *Regulatory advice*

## 4. *Regulatory requirements*

4.1 *Details of regulatory requirements and good practice advice for the applicant can be found on our website. 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.*

## **SEPA - further comment dated 12/10/2012**

*Our records show that we have already commented on this planning application letter dated 21 May 2012.*

*I note that application has been amended with revised plans submitted.*

*However, the modifications do not appear to change our comments.*

*If you are seeking advice on a specific aspect of the revision please let us know. Otherwise, our previous comments in the letter dated 21 May 2012 remain applicable.*

## **Environmental Assessment - amended response dated 21/06/2012**

*The proposed development site is on the north side of Western Corner, the main arterial route into the city from the west. The site was formerly a large office; the headquarters of United Distillers known as Balfour Stewart House. The site boundaries are formed by Corstorphine Road to the south, Ellersly Road to the north and west and residential properties to the east.*

*Preplanning discussions have been carried out in relation to this application and relevant history for previous applications; 07/04755/FUL the proposal was for the erection of 119 flats, the scheme for 08/02952/FUL was for 91 flats and there was another scheme for 72 residential unit's 09/01115/FUL with associated parking and landscaping. The current proposals are for a reduction in number of units to 55 therefore creating lesser impact from traffic movements. There will be lifts installed within the complex and underground parking provided which falls within the City of Edinburgh's Council Parking Standards.*

### *Air Quality*

*The proposed development is located between both of Edinburgh's AQMA'S (Air Quality Management Areas) on the Corstorphine Road to the east of St John's Road and west of Roseburn junction. An air quality impact assessment was submitted for the previous 2008 application where pollution concentrations attributed to the generated traffic for the proposed development were measured .It was noted that the office building generated significant traffic flows in the past and the introduction of a residential development will result in a decrease in traffic flows compared to the sites previous use.*

*The Scottish Government is committed to low emission vehicles with regards to sustainable transport for the future. City of Edinburgh Council's parking standards now state that developers should incorporate a provision to encourage electric vehicle charging infrastructure throughout all types of development. In an attempt to address the air quality impacts the applicant should investigate the introduction of electric vehicle charging points to a number of parking spaces for the proposed residential development, as such an informative shall be recommended.*

## *Sustainability*

*A sustainability statement has been submitted for the most recent application. This department would like to note previous concerns regarding biomass power generation and CHP technology (chimney stack for dispersal of pollutants) would not be encouraged due to potential issues around localised air pollution. Any on site power generation would have to be subject to detailed investigation.*

## *Transport*

*A transportation condition was recommended to protect the residential development from road traffic noise but since then an acoustic assessment has been received into the department.*

### *Further Comments Following The Submission of Acoustic Report*

*An acoustic assessment has been submitted in support of the application in accordance with PAN 1/2011 and British Standard BS8233 (Sound Insulation and Noise Reduction For Buildings). This confirmed the dominant source of noise was road traffic from the A8 and Ellersly Road.*

*A condition with mitigation measures will be recommended in order to protect the development from transportation noise.*

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

- 1. The development shall be completed in accordance with the acoustic requirements specified in the RMP Noise Impact Assessment No. R-5964-NR-RGM (Dated June 2012). The requirements are detailed in paragraphs 5.6-5.11.*
- 2. Prior to the commencement of construction works on site:
  - (a). A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
  - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.**

*Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.*

- 3. 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.*

#### *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). Should you require to discuss the above, please do not hesitate to contact me.*

#### *Addendum*

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

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

### **Murrayfield Community Council - response dated 05/06/2012**

*Murrayfield Community Council has studied this application carefully and write to support the application.*

*The council had three fundamental points to make about any application for this site which were: that the walls round the site should be kept; the trees and landscape should remain and be enhanced and that the development should be residential. These requirements are met in the scheme now before the Planning Committee.*

*During the pre-application consultations the Developer and his Architect explained the scheme to the Council and the public in considerable detail and answered all the questions put to them. All were impressed with the quality of the layout and the design of the proposed houses and flats. This Developer has operated in this area recently and the Council members were impressed with the quality of their work and the high standard of the resulting development.*

*As this site is very well served with public transport we are of the opinion that traffic generation from the site will be modified as a result, and the increased population benefit the local shops.*

*One point that caused some discussion was the pedestrian access from the site to Corstorphine Road and whether the gates should be open to the public or not. It would be reasonable to consult with the future residents before making a final decision on this matter.*

*Murrayfield Community Council commends the Planning Committee to approve this application.*

### **Murrayfield Community Council - response dated 27/10/2012**

*I am instructed to write by the Community Council to object and comment on the latest application on the above site.*

*The residents and the Community Council were disappointed by the loss, by the submission of a new application, of a charming scheme.*

*The eruption of the new scheme for the site is far from welcome, but the position of the entrance to the site for vehicles is particularly objectionable. Several residents called it lunatic and it would be hard to contradict them.*

*Exiting and entry to that part of Ellersly Road is particularly inconvenient and as in any one way system, adds considerably to the traffic on the road. It has been pointed out by many residents that at numerous times in the day the area is choked with traffic and frequent complaints to the Traffic Authorities have resulted in no change. The Community Council connects this to a number of complaints it has received about Riversdale Road and Saughton Crescent being used as rat runs, which it has referred to the Neighbourhood Partnership. The existing entrance to the site in the North East has been in use for 150 years at least, and has been used by a number of users and proved to be operational and convenient to all users. One is unfortunately reminded of the sixties when many developments did outrageous things never learning that, if it has not been done before perhaps there was a good reason for not doing it. In any case if the four storey town houses were moved east, by closing the proposed entrance, entry could easily be gained from the existing entrance to the road between the four storey blocks, thus solving one of the major faults in the scheme.*

*Such a change would also do away with the rather unfortunate garage court near the position of the proper entry to the site and perhaps clear up a seriously poor part of the layout.*

*If one looks at all critically at the road between the four storey town houses it can be seen that this will become a middle class heaven with cars parked along its whole length, for as we can all observe, no one puts their cars into their garages as the garages are full of other stuff. the noise and pollution caused by car movements will be considerable, but we are not complaining about that as it does not affect the rest of the area.*

*About half the town houses have very good access to the green space but all the other houses and flat do not seem to have any easy and natural access to that space. This aspect of the layout could be improved.*

*When this area became a development site the Community Council laid down three conditions for its development: that the existing trees be kept in good condition; that the high wall surrounding the site be kept intact except where the old entrance was and that the development be of a residential nature. we are extremely concerned that one of these carefully considered conditions is being flouted to the disadvantage of the proposed housing development and the area in general.*

*Please have the entrance to the development put back to the original position.*

**Lothian + Borders Police - response dated 08/06/2012**

*With regards to consultation on the above development I have the following comments to make on behalf of Lothian and Borders Police:  
The plans indicate a keypad system to control access to the lower (South) gate which leads to Corstorphine Road. I would support an approach that restricts access to this part of the site and consider it essential to ensure both personal safety of people using the path and to stop anti social behaviour. A suitable lighting strategy will be also required to ensures that the path leading from the South gate is uniformly lit to prevent areas of shadow which could impact on community safety.*

**BAA - response dated 08/06/2012**

*The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.*

*Please be aware that this response applies specifically to the above consultation based on the information supplied at the time of this application. If any changes are proposed to the information supplied to NERL in regard to this application (including the installation of wind turbines) which become the basis of a full, revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.*

**Edinburgh Airport - response dated 11/06/2012**

*We refer to your letter dated 16 May 2012, received in this office on the same day.*

*The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the following condition:*

### *Submission of a Bird Hazard Management Plan*

*Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:*

*- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’ (<http://www.aoa.org.uk/policy-safeguarding.htm>).*

*The Bird Hazard Management Plan shall be implemented as approved upon completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.*

*Reason: It is necessary to manage the roofs in order to minimise the attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.*

*We would also make the following observations:*

#### *Cranes*

*Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant’s attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, ‘Cranes and Other Construction Issues’ (available at <http://www.aoa.org.uk/policy-safeguarding.htm>)*

#### *Wind Turbines*

*The application and sustainability statement does not include plans for wind turbines but I wish to make the developer aware of the following advice should this be considered in the future. Wind Turbines can impact on the safe operation of aircraft through interference with aviation radar and/or due to their height. Any proposal that incorporates wind turbines must be assessed in more detail to determine the potential impacts on aviation interests. This is explained further in Advice Note 7, ‘Wind Turbines and Aviation’ (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*

*We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above condition is applied to any planning permission.*

*It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.*

### **Edinburgh Airport - response dated 22/10/2012**

*I have looked through the revised plans and have no new comments to make. Therefore, I have no objections subject to the condition and informatives from my original letter (11/06/12) being applied again.*

### **Scottish Water - response dated 30/05/2012**

*Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.*

*In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.*

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

*Glencorse Water Treatment Works has limited capacity available for new demand. The Developer should discuss their development directly with Scottish Water.*

### **Water Network**

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

## *Edinburgh Wastewater Network*

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

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

*Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand.*

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

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

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

*Appropriately sized grease traps must be installed on all drainage outlets from food preparation areas. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.*

*Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.*

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

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

*There may be contaminated land issues relevant to the development of this site. The developer must ensure that satisfactory precautionary measures are taken to protect public water and sewer pipes from any possible contamination. The developer may have to submit a full soil investigation report to Scottish Water. Customer Connections will be able to provide advice on this subject. on request.*

*Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website.*

#### **Scottish Water - response dated 02/11/2012**

*In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.*

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

*Marchbank Water Treatment Works may have capacity to service this proposed development.*

#### **Water Network**

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

*The waste water network that serves the proposed development may be able to accommodate the new demand.*

## *Edinburgh PFI Wastewater Treatment Works*

*At present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.*

### *Wastewater Network*

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

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

*Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand.*

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

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

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

*Appropriately sized grease traps must be installed on all drainage outlets from food preparation areas. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.*

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

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

*Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department. If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website.*

### **Children + Families - response dated 12/06/2012**

*I refer to your memo dated 16 May 2012 requesting comments on educational provision for the above noted planning application.*

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

- *Roseburn Primary School;*
- *Fox Covert RC Primary School*
- *Craigmount High School; and*
- *St Augustine's RC High School.*

*While secondary school rolls are now falling, primary school rolls are expected to rise in forthcoming years and developer contributions will be sought for works to help address emerging accommodation issues at Roseburn Primary School. Based on a development of 21 houses and 34 flats a standard developer contribution of £67,880 would be required. Payment of contributions will be index linked to the BICS All in Tender Price Index with a base date of October 2009.*

*Elsewhere, there is current capacity at Craigmount High School for the development and in the RC sector, management controls would be applied if necessary to prioritise catchment places for baptised RC pupils.*

### **Children + Families - revised contributions response dated 09/11/2002**

*The revised contributions for Roseburn PS would be £61,900 instead of £67,880.*

### **Flood Prevention - response dated 18/06/2012**

*A Surface Water Management Plan is required for this application. Requirements are set out as below.*

## *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 is required.*

## **Flood Prevention - revised response dated 08/11/2012**

*In reference to report entitled "Development at Ellersly Road, Edinburgh, S1 Developments and drawing number 2012194-FP1-C showing flowpaths, the Flood Prevention Unit have no objections to the development, provided:*

- 1. Access to the solum under the decking is possible at all times to enable cleaning of gullies. It is the responsibility of each property owner to ensure that these gullies are kept clean at all times and maintained to an acceptable standard.*
- 2. The solum level should be graded within each plot so that water is not trapped behind the dividing wall but is channelled through the proposed open channel constructed at the base of the dividing walls and at solum level.*
- 3. Inclusion within the deeds of each property that the property owners' will not remove the decking and replace with concrete paving.*
- 4. Inclusion within the deeds that the flow path is not obstructed between each property, i.e. that the channel within each dividing wall is not infilled and that the gradient between each plot is maintained.*
- 5. The path to the side of plot 1 should be maintained at all times and not infilled or raised in height.*
- 6. The retaining walls surrounding the path should always be levelled flush with the higher ground, to ensure that no ponding of surface water occurs behind a raised wall.*
- 7. During construction, development control should ensure that a gradient is constructed in the solum level below the decking, and that an opening within the dividing wall, of sufficient width, is built.*
- 8. That ground levels throughout the development are constructed to ensure that the flowpaths as detailed in drawing 2012194-FP1-C are obtained. Any changes to the ground levels should be checked with this department prior to alterations.*
- 9. Inclusion within the deeds that the property owners will not change the surrounding ground levels without prior approval from either the developer or the engineer or the Flood Prevention department.*

## **Transport - response dated 22/06/2012**

*I would be pleased if the application could be continued for the following points to be addressed discussed:*

- *The access point be assessed taking account of road width and providing adequate sightlines. Observations show that vehicle speeds on passing the junction are in excess of 30 mph and the sightline design should take this into consideration.*
- *Driveways to be a minimum of 6 metres in length and where they are side by side adequate width be given to allow doors to open fully.*
- *Underground garage security gate to be controllable from each flat to allow visitor entry.*
- *Cycle parking secure and undercover to be provided for both flats and town houses.*
- *Surface visitor spaces to be off the public road and delineated.*
- *Footway / Cycle link from Ellersly Road junction point to Corstorphine Road to be to adoptable standards including lighting with no gated control at Corstorphine Road end and suitably designed including gradients for disabled access.*
- *Walls / retaining walls adjacent to prospectively adoptable roads will require a structural certificate.*
- *Internal roads to be designed to accommodate a 12 metre refuse vehicle.*
- *The remote block to the south west be served by a road and not a joint driveway.*
- *Details of SUDS*

*Discussions with the agent / developer to with regards to a contribution for improvements to the Public Transport Infrastructure and Safer Routes to School.*

## **Transport - amended response dated 13/11/2012**

*I have no objections the above application subject to the following:-*

*Prior to the issuing of the consent the developer to enter into a suitable legal agreement to make provision for the following:-*

- 1) *Contribute the sum of £10,000 to the Safer Routes to School programme. (Reason The development is expected to generate addition children and the Council is committed to provide a safe environment to encourage walking and cycling to school rather than car journeys. The contribution will be used to improve dedicated routes to local primary schools within the catchments of the development site in line with LTS RS15. Contribution payable on commencement of development and will be utilised within 5 years.). General LTS Land Use policy LU2 applies.*
  
- 2) *Contribute the sum of £1500 for the upgrade of the signals at the junction of Ellersley Road and Corstorphine Road. (Reason: The development of the site will add additional vehicle movements through the Ellersley Road / Corstorphine Road signal controlled junction. On completion of the development the signals will require to be surveyed and timings adjusted. Contribution payable on commencement of development and will be utilised within 5 years)*
  
- 3) *Contribute the sum of £15,000 towards public transport infrastructure. (Reason; The development will increase demand for Public Transport on the main Corstorphine Road corridor. In line with the Local Transport Strategy the Council is committed to reduce vehicle use and encouraging use of public transport. A central part of this strategy is the provision and maintenance of high quality stops, shelters and real time information provision (policies PT3 and PT5). This contribution will be used for improvements and/or enhancements to the public transport infrastructure in the vicinity of the development. Contribution payable on commencement of development and will be utilised within 5 years of payment). General LTS Land Use policy LU2 applies.*
  
- 4) *Applicant to apply and meet the cost of the following Traffic Regulation Orders (TRO's) to:*
  1. *Amend, enhance or introduce waiting / loading restrictions in the vicinity of the development.(Reason to aid vehicle movements and aid road safety)*
  
  2. *A banned right turn out of the development. (Reason: Right turn is not possible due to physical island).*
  
  3. *Disabled parking bays. (Reason: to secure availability for intended use)*

*Applications for amendments additional TROs to be submitted on commencement of development (Reason to ensure timeously consideration of changes / addition to TRO).*

## *Informatives*

*A) 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 (RCC). This RCC application will require to be accompanied with a drawing indicating suitable off site improvements (possible kerb realignments and/or road markings) to the central island to safely accommodate any vehicles making a U turn at either end of the reserve on the north-south section of Ellersley Road (such amendment to be to the satisfaction of the Head of Transport and to be the subject of a Road Safety Audit).*

*B) The roads and footways must be completed to adoptable standard prior to the occupation of 50% of the approved dwellings. (Reason to ensure residents of the development have safe access and parking arrangements and council services are provided at an early occupation date)*

*C ) The applicant must be informed that the proposed parking spaces within the site adjacent to the road form part of the road and, as such, cannot be allocated to an individual property, nor can they be the subject of sale or rent. 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 and ensure that no signs are erected implying control of these spaces.*

## **Affordable Housing - response dated 02/07/2012**

*Regarding the affordable housing, there will be a 25% affordable housing requirement, as this application will be for more than 12 residential units. The Council's expectation is always that these will be located onsite, unless there is a satisfactory and clearly-evidenced justification for provision offsite.*

*In this case, the applicant has intimated that they expect the construction costs to be unavoidably challenging, given the requirements for expensive materials and the design requirements that come when proposing a development in such a prominent location within a Conservation Area. Should the costs be so great that an RSL simply cannot deliver affordable housing viably on this site (at a time of reducing public subsidy for affordable housing), then that would be an acceptable justification for exploring an off-site affordable housing solution for this application.*

*The applicant has offered to submit the anticipated construction costs of this project, on a confidential and open book basis. This is so the Council and our RSL partners may work out what the likely cost of constructing a like-for-like property would be, as affordable housing is required to blend-in with the market housing to ensure an integrated mixed, sustainable community emerges on this site.*

*Under the terms of the Council's Model Legal Agreement, Affordable Housing Policy land is a time-limited, use-it-or-lose-it resource. While the land comes to the Council at nil value, by convention, we then have 5 years to fund a construction project after receiving the land. If we cannot perform within 5 years then the land returns to the developer for the purpose of constructing market housing and the opportunity to construct affordable housing on this site will have been lost entirely.*

*That would be the Council's worst-case scenario, although it is worth noting that Edinburgh has effective and robust risk assessment procedures in place, which have ensured that risks are identified at Committee stage. Consequently, every site in Edinburgh makes its full AHP contribution, and no land has ever been "lost" to date.*

*A risk may exist in this case, though, so in order to weigh the risk the Council has asked for the applicant's projected construction figures. We are awaiting the arrival of those figures. Once they are submitted, the procedure is as follows: colleagues in Estates will examine the figures for veracity, if they are found to be too expensive for our RSLs to reasonably match then a justification for offsite affordable housing or payment of a commuted sum would have been made. If the Council's surveyors take issue with the submitted figures then onsite affordable housing would be the expected outcome.*

*At present, the Council is awaiting the submission of the projected construction costs, which may form a justification for off-site affordable housing. I shall keep you updated with developments when these figures are submitted.*

### **Affordable Housing - response dated 31/10/2012**

*I refer to the consultation request from the Planning Department regarding this application.*

*Services for Communities has worked with Planning to develop 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 certain size.*
- *The proportion of affordable housing required is set at a city-wide level of 25% for all proposals of 12 units or more.*
- *This is consistent with Policy HOU 7 Affordable Housing in the Finalised Edinburgh City Local Plan.*

*This application is for 51 residential units. The AHP will apply, and 12 AHP units would be required. The applicant has mentioned that they propose an offsite affordable housing arrangement to satisfy the AHP requirement on this site. In discussions with the developer, Services for Communities have made it clear that the Council's preference is for onsite affordable housing in every case, unless there is a satisfactory justification for accepting offsite land or a commuted sum in lieu of onsite affordable housing.*

*In this case the applicant has highlighted that the cost of providing a like-for-like tenure blind home, in a Conservation Area, where the construction techniques and building materials are much higher than average, may prove to be challenging for the Council and our Housing Association partners.*

*An offsite arrangement or commuted sum payment has only been accepted in 4% of cases, so it is not a widespread issue, however it does become the Council's preferred outcome in situations where the Council and our RSL partners would find the delivery of affordable housing non-viable, as AHP land is a time-limited use-it-or-lose-it resource. Due to the effectiveness of our risk assessment procedures at the planning stage, regarding eventual construction costs, Edinburgh has never "lost" any Affordable Housing Policy land, and every applicable development in the city makes its full contribution to the delivery of this much-needed resource.*

*The developer has provided their anticipated construction costs figures to the Council, on a confidential Open Book basis. These figures have been scrutinised and assessed as credible by colleagues in Estates Department. This viability exercise resulted in the following circumstances and risks being present:*

- If a Registered Social Landlord was to build a like-for-like property on this site, which blended in with the market housing (satisfying the key objective of the policy, to integrate the affordable homes with the market homes) then an RSL would be required to find more than £100,000 per flat, over and above the maximum amount of available public subsidy.*
- This would result in the RSL having to charge rents that were considerably in excess of current affordable housing rent levels in order to break even on the project. However, the Council would not be able to approve such rent levels as "affordable housing". Additionally, charging rents that are beyond the acceptable affordable housing rents would be contrary to the conditions of the public subsidy, meaning it could not be relied upon, further increasing the pressure on the RSL.*

- *So, we may rule out the affordable rental tenures as being viable prospects on this site, with its particular requirements for construction processes and external materials.*
- *The project appraisal was then examined for its potential to deliver some low cost home ownership flats (such as shared equity, shared ownership or a tenure which Edinburgh is pioneering, Golden Share).*
- *The results though were the same. The construction costs involved would be considerably in excess of “affordability” limits for purchasers in identified affordable housing need in the city (meaning they would be considerably in excess of £126,000, which is 3.5 times the median income level in the city).*
- *The construction costs demonstrated that this is one of the small number of cases in the city where neither rental nor low cost home ownership approaches can deliver a viable affordable housing development onsite.*

*AHP land is a time limited use-it-or-lose-it resource, where the Council and our RSL partners typically would have 5 years to arrange for the delivery of affordable housing on the land gifted by the developer. If we find we cannot perform within that timescale then the Council’s Model Legal Agreement is clear: we would be obliged to hand the land back to the developer, who would then be allowed to build out market housing, meaning there would be 100% market housing on this site and no affordable housing contribution that could be used here or anywhere else.*

*To be clear, the Council could still insist on the delivery of affordable housing land onsite in this case. However, this site has demonstrated a high risk of producing no affordable housing if the Council was to insist on a delivery of onsite affordable housing land.*

*Therefore it is recommended that Committee approve a commuted sum payment, calculated in line with policy, on the grounds that there is a demonstrably high risk of affordable housing being non-viable on this site within the allotted timescales, given the relatively low availability of public subsidy and the exceptional construction costs that would be associated with delivering a tenure blind affordable home within this particular site in this Conservation Area.*

*The commuted sum would be £325,000. This would be secured through a Section 75 Legal Agreement and would be payable by the developer to the Council upon the commencement of development, thereby satisfying the requirements for commuted sums that they provide for a greater affordable housing resource, quicker, than onsite delivery would have.*

*Services for Communities asks that this is added to the Informatives Section of the Committee report and would be happy to assist with any further discussions round affordable housing in this development.*

### **Scottish Power - response dated 26/10/2012**

*I would advise you that Scottish Power object to the above planning application, as there is an operational Substation located within the affected area of ground together with High Voltage cabling which supplies the surrounding areas. Additionally we have access rights over said.*

*The above Rights are afforded to us in a Minute of Lease between The Distillers Company plc and the South of Scotland Electricity Board dated 1984. The lease expires on 22/08/2043. Should our existing rights have to be amended and / or substation and cabling removed and relocated all legal and engineering costs would have to be met by the developers.*

*We therefore object to this Planning Application.*

### **Scottish Power - further comment dated 30/10/2012**

*I refer to the below and write to confirm that I have spoken to the client and they are in discussion to relocate the Substation and apparatus to another location within their site.*

*Therefore I would ask that our objection is put on hold.*

*The Substation relocation would be dependent on the appropriate consents being in place (Planning etc).*

### **Natural Heritage - response dated 14/11/2012**

*MBEC Ecological Report November 2012 Ex.S&N HQ Ellersly Road, Edinburgh*

*Comments*

*Protected Species*

*No protected species where identified on site.*

*Invasive Species*

*Invasive species identified on site included, Montbretia, Cotoneaster, Rhododendron and Cotoneaster.*

*Recommendations*

*The report recommends a number of actions on site, it is suggested that the following action are dealt with as informatives.*

## 1. Bats

*Appropriate bat survey work of the substation should be completed at the correct time of year prior to any works on the substation being undertaken.*

*This is to ensure compliance with the Habitat Regulations.*

## 2. Breeding Birds

*All site clearance of vegetation should be completed outside of the breeding bird season (mid March to of end July).*

## 3. Invasive Species

*It is recommended that all invasive species identified on site are removed in an appropriate manner.*

*This is to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Wildlife and Natural Environment Act 2011.*

## **Edinburgh Urban Design Panel- report of meeting on 7 December 2011**

### 1 Introduction

- 1.1 *This report relates to a proposal for a block of 28 flats and 25 two and three storey houses on the site of the former Balfour Stewart House which has been demolished.*
- 1.2 *The brief for the project envisages a mix of housing and flats with private gardens to dwellings at ground floor level.*
- 1.3 *This is the first time that the proposals have been reviewed. In relation to Proposal of Application Notice (11/00027/PAN), the Panel has reviewed a previous proposal by another developer and architect on 26 January 11.*
- 1.4 *No declarations of interest were made by any panel members in relation to this scheme.*
- 1.5 *This report should be read in conjunction with the pre meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.*
- 1.6 *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.*

- 2 *The Panel's views on the planning context*
- 2.1 *Due to the Panel's inception being at the end of pre application period for the scheme for 72 flats (that became planning application ref 09/01115/FUL – now minded to grant subject to legal agreement being made) the Panel did not review or report on that proposal. In relation to these matters, it may be that the Panel could have advocated a different design approach. On this basis therefore, the Panel considers it appropriate to comment on the current proposals without reference to that previous proposal.*
- 2.2 *It is acknowledged that the proposal is in an area of the West Murrayfield Conservation area that is characterised by a villa building pattern however it may not be realistic to develop this site with an individual house or houses. With this in mind, the most important characteristics to consider when developing any proposal are the stone boundary walls and the mature tree planting within the site.*
- 3 *The Panel's views on layout, massing and scale.*
- 3.1 *The block of flats is considerably wider and taller than the proposed 2 and 3 storey houses. Because of this and due to its position relatively close to the houses, the building seems over scaled.*
- 3.2 *While there may be benefits to the overall reduction in quantity of development in relation to previous proposals for the site, the issue of the relationship of buildings to one another is one that requires further consideration in the design process.*
- 3.3 *If a larger block of flats remains in the design then the terrace running East / West within the site is questioned. While it may be possible to create a better relationship to the neighbouring flats by repositioning it, a more radical approach to the layout may be required if a suitable overall design quality is to be achieved.*
- 3.4 *The design of the houses positioned to the east of the site appears disjointed. To create a simpler, stronger design, this aspect of the proposal would benefit from fewer breaks between the buildings and potentially fewer steps in the roof form.*
- 3.5 *There is an opportunity to create an area of open space at the south west of the site that could be of benefit to residents and allow the consolidation of tree planting. The positioning of 3 houses in this area therefore rules out this option. The proposition of the 3 houses therefore could be to the detriment of the scheme as a whole and to the wider setting.*
- 3.6 *Cumulatively these aspects of the design make the proposal somewhat in cohesive creating a sense that in totality it adds up to less than the sum of its parts.*

- 3.7 *The notion that buildings should not be located forward of building lines established by the previous scheme (09/0115/FUL) may be unduly constraining the design process in finding an appropriate solution.*
- 3.8 *If development were to be located farther towards the northern or western boundaries of the site, a greater building footprint could be created which would allow numbers of storeys to reduce while potentially allowing the same quantity of development to be created. This could have the significant advantage of overcoming the problem of the disparity of building scale between the currently proposed flats and houses.*
- 3.9 *In exploring such an approach care should be taken to ensure that any advantages do not come at the expense of other aspects of the design.*
- 3.10 *In relation to these matters is suggested that further exploration should be carried out of the layout and massing options for the site as a whole. The aim of achieving a strong sense of design coherence without architectural tension resulting from a disparity of scale should be at the forefront of such an exercise.*

#### 4 *The Panel's view on landscape*

- 4.1 *It is important that the spaces within the site are designed to have a clear purpose. Currently, some of the spaces appear to result as consequence of the disposition of buildings. The reconfiguration of the layout suggested above should be carried out hand in hand with the aim of maximising the quality of the design of external spaces.*
- 4.2 *The mature trees within the site provide a positive setting for development and clearly contribute to the character of the conservation area. It is very important therefore that the existing trees worthy of retention are retained. The intention to retain these trees is therefore welcomed.*
- 4.3 *Trees within private gardens are more likely to be subject to being cut down than those within shared factored spaces. Therefore, the Panel recommends the design of private and shared garden boundaries takes account of this.*
- 4.4 *Trees may obscure views to the Pentlands. Using these views as a design driver and consequent rationale for the height of proposed flats may be to overplay them.*

#### 5 *The Panel's view on architectural aesthetic*

- 5.1 *The Panel advocates a contemporary approach and questions the traditional approach currently proposed. With a contemporary approach there is greater opportunity for a more interesting and bespoke aesthetic to be generated that responds to the special characteristics of this walled garden site.*
- 6 *Affordable housing*
- 6.1 *While it is acknowledged there is the intention to provide a contribution for affordable housing, the Panel encourages the creation socially integrated developments.*
- 6.2 *As a minimum there should be a commitment to the contribution being allocated to an identified site nearby.*
- 6.3 *The Panel is concerned generally affordable housing is not being satisfactorily integrated into development – particularly high end residential schemes – and therefore encourages the Council to more strongly seek on site provision.*
- 7 *Other matters*
- 7.1 *The model provided at the meeting was useful in allowing an understanding of the proposals. It would be beneficial to include more of the surrounding context on it. This would help with community consultation and be of use for the Development Management Sub-Committee.*
- 8 *Summary*
- 8.1 *The Panel welcomes the opportunity to review and report on the proposal at this early stage as this has highlighted a number of fundamental aspects of the design which should be further explored. The Panel encourages further design development to be carried out particularly in relation to the layout, massing and scale of development. This should be carried out in conjunction with reworking of the landscape design. The Panel suggests a contemporary aesthetic would offer greater benefits to the design than the traditional approach currently proposed.*

## **Representations**

### Scheme 1

The application was advertised on 25 May 2012. Ten representations were received for Scheme 1, of which three objected, five were mixed and two mainly supported the scheme. Of these representations, the Cockburn Association was an objector. In addition, the West Murrayfield Community Council made comments in support of the scheme.

### The main points of support are:

Issue of principle, taken account of in assessment (a)

Residential use supported

Issues of design, taken account of in assessments (b) and (c)

Design good quality

Sensitive to conservation area

Open access to landscape area supported

Issues of traffic and pedestrian safety, taken account of in assessment (e)

Well served by public transport

### The main points of objection or concern are:

Issues of impact on conservation area, taken account of in assessment (b)

Long terrace, especially no through road alien to established architecture and conservation area

Issues of design, taken account of in assessment (c)

Design lacking architectural coherence

Height adversely impacting on skyline

Issues of residential amenity, taken account of in assessment (d)

Adverse height impacts

Adverse daylight, sunlight, privacy and noise impacts

Issues of traffic and pedestrian safety, taken account of in assessment (e)

Additional traffic

Adverse traffic and pedestrian issues

Non-material representations submitted include construction issues, loss of private view and the developer's work being of a high standard, and these have not been taken into account in the assessment of this application.

### Scheme 2

The revised proposal (Scheme 2) was re-notified and advertised on 26 October 2012. Thirteen further representations were received of which five supported the scheme and eight objected. The Murrayfield Community Council objected, while the Cockburn Association response was more supportive of this scheme than Scheme 1.

### The main points of support are:

Issue of principle, taken account of in assessment (a)

Housing needed

Issues of design and landscape taken account of in assessment (c)

Protection of trees and landscape approved of

Good use of space

Contemporary design supported

### The main points of objection or concern are:

Issues of design and landscape taken account of in assessment (c)

Resident's access to landscape

Tree retention

Traditional style preferred

Alteration of boundary wall.

Amenity issues, taken account of in assessment (d)

Daylight sunlight and privacy implications for neighbours

Issues of traffic and pedestrian safety, taken account of in assessment (e)

Adverse traffic and pedestrian issues, including safety and access

Non-material representations expressed were similar to the previous scheme and have not been taken account of in the assessment.

***Representations, if any, are available to view in the document list at [Planning & Building Standards online services](#).***

## **Planning Policy**

The application site is identified by the adopted Edinburgh City Local Plan as lying within the Urban Area and the West Murrayfield Conservation Area.

Other relevant guidance

Designing Streets

Designing Places

### **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 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

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 16 (Species) sets out species 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 Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

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 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.

Policy Inf 6 (Water & Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

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

**Non-statutory guidelines** on BIODIVERSITY sets objectives for habitat creation and enhancement, lists protected species and how developments can make provision for these, and lists the sites of national and local nature conservation interest.

**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** 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.

**Non-statutory guidelines** The Protection of Key Views guideline aims to safeguard public views to those features which define Edinburgh's character. In order to achieve this, a number of key views have been specifically identified for protection. View cones for each key view have been separately defined. The impact of any proposed development on a key view will be assessed in terms of its effect on the view. While there will be a presumption in favour of protecting the views, it is recognised that the Edinburgh skyline has been formed by generations adding to and evolving the skyline. Positive additions to the skyline tend to be elegant and slender - spires and towers.

**Non-statutory guidelines** on "Trees and Development" provides guidance on the information required to support planning applications in respect of tree protection, the retention of trees of landscape, biodiversity or amenity significance, and encourages new tree planting where appropriate.

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

**Non-statutory guidelines** 'The Edinburgh Standards for Housing' sets out principles and guidance whose aim is to achieve high quality, successful and sustainable residential developments.

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

**Non-statutory guidelines** on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

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

**Non-statutory guidelines** on Edinburgh Standards for Urban Design sets criteria for the quality of design in new development to maintain and improve the visual image and identity of Edinburgh.

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

**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.

**Other Relevant policy guidance**

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

## Appendix B



**Application Type** Planning Permission  
**Application Address:** 33 Ellersly Road  
Edinburgh  
EH12 6HX

**Proposal:** Residential development comprising 19 houses and 32 flats (as amended).

**Reference No:** 12/01683/FUL

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### Conditions/Reasons associated with the Recommendation

It is recommended that this application be Granted by Committee, subject to any conditions, reasons and informatives stated below.

#### Conditions:-

1. 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 and Building Standards, having first been agreed by the City Archaeologist.
2. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Head of Planning. The submitted plan shall include details of:
  - management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.

The Bird Hazard Management Plan shall be implemented as approved upon completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Head of Planning.

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 development shall be completed in accordance with the acoustic requirements specified in the RMP Noise Impact Assessment No. R-5964-NR-RGM (Dated June 2012). The requirements are detailed in paragraphs 5.6-5.11.
5. 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.
6. 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 and Building Standards before work is commenced on site; full sample panels on site will be required; notwithstanding approved drawings indicating brick on gable walls, these shall be fully in stone.
7. A fully detailed landscape plan, including details of all hard and soft surface treatments and all planting, shall be submitted to and approved in writing by the Head of Planning and Building Standards before work is commenced on site. This shall include a method statement for the construction of the tennis court and re-instatement of the garden and paths within the approved root protection area of the tree protection plan to show trees can be adequately protected.
8. 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.
9. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with clause 2 of BS5837: 2005 " Trees in relation to construction", or similar as approved in writing by the Head of Planning, at the limit of the canopy spread of the

trees; no materials, equipment or buildings shall be stored or located within the protected area, nor shall there be any access through it. The fencing shall be maintained in a secure and upright condition to the satisfaction of the Head of Planning and Building Standards.

10. Prior to commencement of development, details of all new boundary treatments (including the overall site and individual plots) and any alterations to existing boundary treatments, shall be submitted to and agreed by the Head of Planning.
11. Prior to commencement of development full construction details of the approved single storey garden rooms shall be submitted to and agreed by the Head of Planning.
12. Prior to commencement of development full construction details of all photovoltaic panels shall be submitted to and agreed by the Head of Planning.

**Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In the interests of aviation safety.
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 protect the amenity of the occupiers of the development.
5. In order to protect the amenity of the occupiers of the development.
6. In order to enable the Head of Planning & Building Standards to consider this/these matter/s in detail.
7. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
8. In order to ensure that the approved landscaping works are properly established on site.
9. In order to safeguard protected trees.
10. In order to enable the Head of Planning & Building Standards to consider this/these matter/s in detail.
11. In order to safeguard protected trees.
12. In order to enable the Head of Planning & Building Standards to consider this/these matter/s in detail.

## 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. The Bird Hazard Management Plan must ensure that flat/ shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access ladders or similar. The owner/ occupier must not allow gulls, to nest roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/ occupier when detected or when requested by BAA Airfield Operations staff. The owner/ occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/ occupier must obtain the appropriate licences from the Scottish Executive Environment and Rural affairs Department (SEERAD) before the removal of nests and eggs.

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. 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.
5. The applicant is reminded of their responsibilities under the Habitat Regulations, the Wildlife and Countryside Act 1981 (as amended) and the Wildlife and Natural Environment Act 2011. These responsibilities include carrying out appropriate bat survey work at the correct time of year prior to site works being undertaken, site clearance of vegetation being completed outside of the breeding bird season (mid March to end July), and all invasive species identified on site removed in an appropriate manner.
6. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and Other Construction Issues'.

7. 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 (RCC).
8. Parking spaces within the site adjacent to the road form part of the road and, as such, cannot be allocated to an individual property, nor can they be the subject of sale or rent.
9. The developer shall investigate the installation of electric vehicle charging points with reference to Making the Connection - The Plug-in Vehicle Infrastructure Strategy (June 2011).
10. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to City of Edinburgh Council towards:
  - Safer Routes to School Programme (£10,000)
  - Signals upgrade (£1,500)
  - Public transport infrastructure (£15,000)
  - Traffic Regulation Orders (Full costs)
  - Affordable housing provision (£325,000)
  - Roseburn Primary School accommodation (£61,900)

Legal agreements are to be concluded within three to six months of granting of the application.

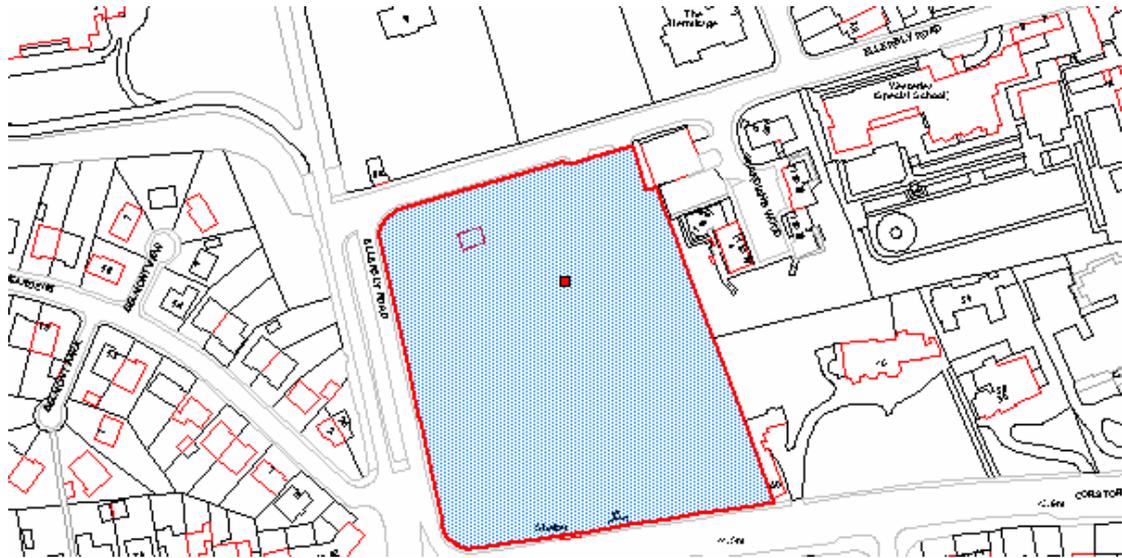
**End**

## Appendix C

**Application Type** Planning Permission

**Proposal:** Residential development comprising 19 houses and 32 flats (as amended).

**Reference No:** 12/01683/FUL



### Location Plan

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