

Development Management Sub Committee

Wednesday 11 September 2013

**Application for Planning Permission 13/00939/FUL
At Site 26 Metres West Of 7, Kew Terrace, Edinburgh
Proposed class 1,2,3 & residential building over 3 floors.**

Item number	9.1
Report number	
Wards	A06 - Corstorphine/Murrayfield

Links

Policies and guidance for this application	NSP, NSMDV, NSLBCA, NSBUS, OTH, CRPCWC, LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITE6, CITE3, CITE12, CITE15, CITH1, CITH3, CITH4, CITH8, CITOS1, CITOS3, CITT4, CITT6, CITT7, CITT13, NSG, NSGD02,
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Executive summary

Application for Planning Permission 13/00939/FUL At Site 26 Metres West Of 7, Kew Terrace, Edinburgh Proposed class 1,2,3 & residential building over 3 floors.

Summary

The proposal fails to comply with the development plan and the relevant non-statutory guidance. There are no compelling reasons for departing from policy. The proposal would adversely affect the viability of the local shopping centre. The proposal would not preserve or enhance the character and appearance of the conservation area and would adversely affect the setting of listed buildings/structures. The design is not of an appropriate quality and provides low amenity residential accommodation. The proposals adversely impact on the landscape character of the Open Space. The proposal does not comply with parking standards. There are no material considerations which outweigh this conclusion.

Recommendations

It is recommended that this application be Refused for the reasons below (in section 3 of the main report).

Financial impact

There are no financial implications to the Council.

Equalities impact

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

Sustainability impact

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

Consultation and engagement

Pre-Application Process

Pre-application discussions took place on this application.

Publicity summary of representations and Community Council comments

The application was advertised on 12 April 2013. The proposal has attracted eighteen letters of representation; fifteen of which are in support of the proposal from local residents, Councillor Jeremy Balfour, Councillor Paul Edie, Marco Biagi MSP and the Donaldson Area Amenity Association. One letter of comment and two letters of objection have been received from a neighbouring resident and The Cockburn Association.

The letters of representation raised the following material issues:

Material objections/concerns

- principle of commercial use;
- design;
- parking.

Material comments of support

- design in-keeping with surrounding buildings and area;
- re-interpretation of Kew Terrace a suitable alternative solution;
- the provision of cycle parking for both residents and visitors welcome;
- additional supermarket will bring competition and choice;
- mix of uses welcome;
- affordable housing beneficial to area;
- enhance the area;
- re-grading of current steep slopes an excellent idea.

A full assessment of all the representations can be found in the main report in the Assessment Section.

Background reading / external references

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

Application for Planning Permission 13/00939/FUL At Site 26 Metres West Of 7, Kew Terrace, Edinburgh Proposed class 1,2,3 & residential building over 3 floors.

1. Background

1.1 Site description

The application site is a cleared site having previously housed a petrol filling station and comprises part of an embankment of the adjacent cycle route to the south and west. The site is irregular in shape and approximately 1663 sq.m. in area.

It is located on Kew Terrace on the south side of West Coates opposite Wester Coates Terrace and located between the entrance to Balbirnie Place on the east and the category B listed former railway bridge on the west (listed on 24.07.92, LB ref:30287). The category C listed Kew Terrace (listed on 25.04.77, LB ref:29200) is to the east of the site beyond the access road to Balbirnie Place. The site fronts the A8, a main arterial route to the city centre.

The embankment to the western and southern part of the site forms part of a Local Nature Conservation Site and Open Space in the Edinburgh City Local Plan. The western part of the embankment also forms part of a safeguarded tram route.

The property is located within the Coltbridge and Wester Coates Conservation Area.

1.2 Site History

January 1998- planning permission granted for the installation of Autoteller Machine (97/03120/FUL).

November 2000- planning permission granted for the alteration and extension of the petrol filling station kiosk (00/02125/FUL).

June 2008- application for land to be used for car/van hire drive returned to agent (08/02075/FUL).

September 2008- application to change the use from vacant petrol filling station to car/van hire refused and enforcement action authorised (08/02165/FUL).

February 2009- planning appeal against the decision to refuse planning permission and authorise enforcement action dismissed (P/PPA/230/1042).

June 2009- direct action taken to secure the removal of vehicles and a portacabin from the site.

October 2009- planning permission refused for a change of use to a vehicular hire business (09/01551/FUL).

August 2010- planning permission refused for a change of use of vacant land, the proposed use of the land is intended to be a car valeting point including a new ground surface, new fencing and installation of portacabins (10/01420/FUL).

2. Main report

2.1 Description Of The Proposal

It is proposed to erect a three storey building with a Class 1, 2 or 3 use on the ground floor with two floors of flats above.

The main frontage of the building continues the building line of the listed Kew Terrace with the exception of a protruding ground floor glazed structure. The main frontage is to be constructed in stone with a slate roof.

The proposed ground floor area is 398 sq.m. of which 279 sq.m. is net commercial floor space. It extends out towards the rear with a 'green' flat roof being utilised as shared gardens for the occupiers of the flats. The walkway/cycle route embankment is to be landscaped and re-graded to provide footpath links to the walkway/cycle route, access to the proposed flats and a landscape setting for the development.

The residential element comprises of eight flats, all one bedroom and these are proposed on the first and second floor of the building. Windows to the flats will be to the front (north), side (west) and rear (south).

A lay-by is proposed to the front of the site providing three parking spaces; one of which is a disabled parking space. Cycle parking (100%) is provided at the rear of the building.

2.2 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?

2.3 Assessment

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

- a) the principle of the development is acceptable;
- b) the proposal preserves or enhances the character and appearance of the Coltbridge and Wester Coates Conservation Area;
- c) the proposed design is acceptable;

- d) the proposal will have an adverse impact on the setting of adjacent listed buildings;
- e) there will be any adverse impact on residential amenity;
- f) there will be any adverse impact on road safety or the proposed tram network;
- g) there will be any adverse effect on open space;
- h) there will be any adverse effect on the Local Nature Conservation Site;
- i) the proposal raises any equalities or human rights issues;
- j) the proposal meets sustainability requirements;
- k) representations raise issues to be addressed; and
- l) there are any other material considerations.

a) Principle

The proposal is for a mixed use development where residential is proposed above a commercial use.

Residential

Policy Hou 1 (Housing Development) of the Edinburgh City Local Plan supports residential development on suitable sites within the urban area, subject to the proposals being compatible with other policies in the Plan. The principle of residential use is therefore acceptable.

Class 1 Retail

The proposed development is located approximately 98 metres east of the Roseburn Terrace Local Centre. This section of the A8 is predominantly in residential and hotel use. The former railway bridge acts as separation from the Roseburn Terrace Local Centre where there is a significantly different character with commercial uses on the ground floor of the properties fronting onto Roseburn Terrace. There are no other class 1 uses between Roseburn Terrace and Haymarket Terrace.

The proposed Class 1 retail use is out of centre and policy Ret 5 of the Edinburgh City Local Plan (ECLP) applies. The policy allows proposals for retail development in out of centre locations within the urban area subject to being able to demonstrate compliance with certain criteria.

The proposal satisfies policy Ret 5 (a) as the applicant has demonstrated that there are no available premises which could accommodate a store of the size proposed in the Roseburn Terrace Local Centre. Ret 5(c) of the policy is similarly satisfied as the site is well served by and is easily accessible by a variety of transport modes. Notwithstanding this, the proposal will have an adverse impact on the centre as the number of units in retail use within it is currently below fifty per cent and the proposed retail use will further undermine the viability of the remaining convenience units in the centre contrary to Ret 5(b). The proposal further fails to demonstrate compliance with Ret 5(d) as there is no

deficiency in provision locally. The centre has a good representation of small local convenience provision and a recently opened Tesco. There is no planned expansion of the residential or working population of the area to justify another retail unit.

The principle of a Class 1 use is not acceptable.

Class 2

There is no local policy covering Class 2 uses. However, policy Hou 8 (Inappropriate Uses in Residential Areas) of the Edinburgh City Local Plan permits developments including changes of use in residential areas where there is no detrimental effect on the living conditions of nearby residents. A Class 2 use is therefore acceptable in principle subject to the proposals being compatible with other policies in the Plan.

Class 3

Policy Hou 8 (Inappropriate Uses in Residential Areas) is also relevant in relation to the proposed class 3 use. This states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents would not be permitted. In addition, the non-statutory guidance 'Guidance for Businesses' states that class 3 use are not normally acceptable in predominantly housing areas due to their adverse effect on neighbouring residential amenity.

The area is residential in appearance but there are a mix of uses within the vicinity including hotels and offices. A class 3 use in principle would not be out of character with the area, which is also a busy major route into the city. Environmental Assessment raises no objections to a class 3 uses provided appropriate conditions are in place to protect the amenity of the neighbouring residents and those located above the commercial premises.

Retail use would not be acceptable in this location but class 2 and 3 uses would be acceptable provided necessary conditions were in place. A class 2 or 3 unit could be converted to class 1 under permitted development rights.

b) Conservation Area

Local plan policies on development in conservation areas require new development to preserve or enhance the character and appearance of the area. The relevant character appraisal identifies key characteristics of each conservation area which must be respected.

The Coltbridge and Wester Coates Conservation Area Character Appraisal considers West Coates, which has three sub names as it passes through this stretch of Osbourne, Hampton and Kew Terraces, as an important part of one of the city's main arterial routes. There is though an increasing erosion of stone dwarf walling and front garden quality for car access and parking. These are important elements of street character and greater effort should be made to preserve and repair them.

The predominant use within the conservation area is residential. However, there have been changes of use into non-residential, such as hotels and guest houses. These can have an impact on the character, where additional parking and traffic demands are made on and off site.

Other key references in the Appraisal include the fact that *the rail bridge over the main road and embankments to both sides play a gateway role between this part of the conservation area and the 'urban' village of Roseburn beyond*. There is also reference to the adjacent listed Kew Terrace: *Kew Terrace is a one and a half storey terrace with crow stepped gables addressing the street. Its simplicity and strict repetition of building elements by contrast appears almost ecclesiastical in character, located close to the former Free Church*.

In terms of the Coltbridge and West Coates Conservation Area, this section is characterised by a limited mix of building types. The north side of the A8 is characterised by substantial detached villas two storeys in height set back from the roadside and within spacious gardens. In contrast, the south side is characterised by one and a half storey stone terraced buildings with front and rear gardens and also larger stone villas set back from the road by a front garden. Whilst there have been alterations to the front gardens to accommodate car parking, there is a general pattern of houses, gardens and walls along this section of the A8, resulting in a residential appearance.

Whilst the application site is currently vacant, it was previously occupied by a petrol filling station which was detrimental to the character of the area. The redevelopment of the site offers an opportunity to preserve and enhance the character of the conservation area and the key gateway route in and out of the city.

The proposals are for a three storey building, which extends to the southern and westernmost boundaries of what was the petrol filling station site and utilises the greenspace of the railway embankment to provide the landscape setting. The front of the site is open, presenting hard-standing and car parking to the front. The design of the new build is a response to adjacent listed Kew Terrace with the use of crow stepped dormer features.

The proposed design does not reflect the townscape of the area by preserving or enhancing the defined urban edge. The character appraisal identifies that the stone front wall and front gardens are important to the character and appearance of the conservation area but this eroded by the open frontage of the proposals.

Although many properties have been converted to hotels, the residential appearance is still maintained within the area. The proposed development neither reflects the small scale terrace or the larger villa properties in terms of a design and as a result, the scale and design does not fit well with the conservation area. In addition, the large glass extension to the front is out of character with the residential feel to the area and introduces a more commercial feature. There is a strong building line along the street which is broken by this feature.

The proposed design does not preserve or enhance the character and appearance of the conservation area and is contrary to policy Env 6 (Conservation Areas – Development) as it is not in keeping with the residential appearance of the area, does not respect the existing townscape and does not enhance the existing urban edge.

c) Design

Design policies seek to draw upon the positive characteristics of the surrounding area to create or reinforce a sense of place. The aim is to ensure that developments have a

positive impact on its setting, having regard to the positioning of buildings on the site, their height, scale and form, materials and detailing, wider townscape and landscape impacts and impacts on views.

The design approach attempts to replicate the small-scale listed terrace. However, buildings of this proposed scale within the area are individual villas, varied in terms of design and style. The proposed design therefore lacks any logic as it neither successfully replicates Kew Terrace and nor does it reflect the villas. The glazed structure to the front does not fit with the residential design approach and results in an unfortunate hybrid building. There is a strong building line created with stone frontages and this is not continued with the introduction of a glazed conservatory at the ground floor level.

The proposed three storey building gives the impression of over development of the site and a proposal more akin to the 'urban' village of Roseburn just beyond the rail bridge which is identified as being of a different character and of higher density rather than the low density of the Wester Coates and Donaldson's School part of the conservation area. The three storey proposal looks out of place in this particular site and there is no direct visual relationship with the development to the west of the former railway bridge. This is separate site that should be assessed against the context of the existing development on Kew Terrace/ West Coates.

In respect of the open space provision for the proposed development, this will be in excess of the required communal provision for flatted developments. However, the ownership and the viability of the land is unclear. The proposal is therefore contrary to policy Hou 3 in relation to private open space in new developments.

The proposed materials are acceptable for the main building as they would provide a visual link to Kew Terrace. However, the glazed structure at ground floor does not relate to the surrounding properties.

Overall, design as proposed is not acceptable for this context and is not of appropriate quality on a main arterial route. It is contrary to design policies in the Edinburgh City Local Plan and the Edinburgh Design Guidance.

d) Listed Buildings and Structures

There are two listed building/ structures adjacent to the site: Kew Terrace and the former railway bridge. Kew Terrace is a one and half storeys in height so relatively small scale in terms of the surrounding building context. They are described in the list description as 'a charming row of houses'. The proposed development is larger in scale in terms of height and mass as a result it would visually dominate Kew Terrace. It would erode the prominence of Kew Terrace on this section of the A8 and thereby affect its setting and context. The design approach of copying elements of Kew Terrace further undermines the special architectural and historic interest of the building.

The former railway bridge is now part of the cycleway over the A8. The embankment with its vegetation forms part of the natural setting of the railway bridge. This is undermined through the proposed re-grading and inclusion of the embankment into the landscaping scheme for the proposals. It also removes the railway cutting feature that still exists and provides a setting to the former railway bridge.

The proposal will adversely affect the setting of Kew Terrace and the adjacent railway bridge and is contrary to policy Env 3 (Listed Building-Setting) of the Edinburgh City Local Plan.

e) Amenity

The proposal will be for a purpose built mixed use residential/commercial development where neighbouring residential amenity, in the main, can be safeguarded by the use of conditions.

Environmental Assessment has no objections, subject to conditions relating to the safeguarding of residential amenity from noise from the commercial ground floor uses, on-street noise and, given the previous use of the site, a site contamination report.

Of the eight flats, six fall below the minimum internal floor area of 52 sq.m. set out in the 'Edinburgh Design Guidance' to ensure adequate amenity for the occupiers, albeit two are marginally below at 51.7 sq.m. This indicates an over-development of the site. In addition, the proposal fails to comply with the minimum five per cent of the net floor area required for storage purposes. Although the flats are dual aspect, some of them are effectively single aspect due to the proximity of the west facing windows to the railway embankment. The proposed flats do not comply with the space requirements for one bedroom flats as set out in non-statutory guidance and therefore offer lower amenity value.

The proposals will not have an adverse impact on neighbouring residential amenity but do not provide a satisfactory living environment for future occupiers.

f) Road safety and tram

The car parking standards for general housing for sale or private rent is one space per residential unit. Eight residential units are proposed with three spaces being provided.

The proposed lay-by for the car parking is located on a Greenways public transport corridor where there are existing parking restrictions and no provision has been made for the loading/unloading for the Class 1, 2 or 3 uses.

Transport recommends refusal on the basis that the proposal fails to comply with the current parking standards, does not provide for loading/unloading for the Class 1, 2 or 3 uses and the location of the lay-by is detrimental to road safety.

The western part of the application site falls within the Tram Limits of Deviation (LOD) as defined under the Edinburgh Tram Acts 2006. These will remain enacted until 2016. Prior Approval for this section of the tram route was granted in 2008 under reference 08/01149/PA.

The route remains protected in the Local Plan through Policy Tra 7 Public Transport Infrastructure- Tram and Bus which advises that planning permission would not be granted for development which would prejudice the construction of the infrastructure necessary for a tram network.

The proposal conflicts with the works approved under 08/01149/PA and is therefore contrary to policy Tra 7 (Public Transport). Notwithstanding this, this section of the tram

network will not now be taken forward and therefore the proposals will not have an adverse impact on the proposed tram network.

Whilst the proposals will not have an adverse impact on the proposed tram network, they will have a detrimental impact on road safety.

g) Open space

The embankment of the railway is identified as Open Space within the Edinburgh City Local Plan. Whilst safeguarded for the tram, it is currently a cycle/walkway. The Design and Access Statement submitted in support of the proposal describes the existing embankment as 'overgrown and unsightly' and proposes to clear the land of fallen trees and cut back excess growth where it obstructs the pathway. The land would also be re-graded and landscaped so it blends in with the rear of the development site. Re-grading of the land also allow a ramp access to the residential element of the development.

The proposals do not involve the loss of open space as such but it would involve a change to the character of the former railway embankment and what is now a natural green corridor. Whilst improvement to the pathway would be welcome, there is a concern about the landscaping proposals and the impact on the natural landscape character of the embankment and the wider biodiversity issues, which is discussed in section h). The access/ ownership issues relating to development site and the open space are unclear.

The proposals do not involve a loss of open space but would alter the character of the open space to its detriment and is contrary to Os1.

h) Local Nature Conservation Site

The former railway embankment is now identified as a Local Nature Conservation Site. Significant alterations are proposed to the existing open space which could have wider effects on existing biodiversity. The submitted Design and Access Statement sets out the alterations to the vegetation and the re-grading of the land but does not go on to demonstrate that there will be no adverse impact on the flora, fauna, landscape or geological features or that any adverse consequences of allowing the development can be minimised or otherwise mitigated in an acceptable manner. In addition, an assessment of the impact on the trees on the site has not been undertaken due to the lack of a tree report.

The proposal is therefore contrary to policy Env 15 (Sites of Local Importance) and no assessment against policy Env 12(Trees) has been undertaken.

i) Equalities and Human Rights Issues

Whilst disabled access to the residential units may be limited, the proposal does not raise any equalities or human rights issues.

j) Sustainability

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

k) Representations

Material considerations

- principle of retail at the location, addressed in assessment a) above;
- conservation issues, taken account of in assessment b) above;
- design issues, taken account of in assessment c) above; and
- parking issues, taken account of in assessment f) above.

l) Other Material Considerations

The fifteen letters of support received indicate that there is support in the local community for the proposal.

CONCLUSION

In conclusion, the proposal fails to comply with the development plan and the relevant non-statutory guidance. There are no compelling reasons for departing from policy. The proposal would adversely affect the viability of the local shopping centre. The proposal would not preserve or enhance the character and appearance of the conservation area and would adversely affect the setting of listed buildings/structures. The design is not of an appropriate quality and provides low amenity residential accommodation. The proposals adversely impact on the landscape character of the Open Space. The proposal does not comply with parking standards and will have a detrimental impact on road safety. There are no material considerations which outweigh this conclusion.

3. Recommendations

3.1 It is recommended that this application be Refused for the reasons below

3.2 Conditions/reasons

Reasons:-

1. The proposals in their form, mass, siting and architecture fail to preserve or enhance the character and appearance of the Coltbridge and Wester Coates Conservation Area contrary to policy Env 6 of the Edinburgh City Local Plan and Non-statutory Guideline 'Listed Buildings and Conservation Areas'.
2. The proposals will have an adverse effect on the viability of the local shopping centre contrary to policies Ret 5 of the Edinburgh City Local Plan.
3. The proposals due their lack of parking provision and location of parking spaces are detrimental to road safety contrary to policy Tra 4 of the Edinburgh City Local Plan and Non-statutory Guideline 'Parking Standards' and 'Movement and Development'.

4. The proposals do not provide sufficient information to allow the assessment of its impact on the Local Nature Conservation Site and trees contrary to policies Env 12 and Env 15 of the Edinburgh City Local Plan and Non-statutory Guideline 'Edinburgh Design Guidance'.

5. The proposals by reason of their architectural design, height, massing, scale, layout and prominent location on a main arterial route into the city will adversely affect the setting of adjacent listed buildings/structures contrary to policy Env 3 of the Edinburgh City Local Plan and Non-statutory Guidelines 'Listed Buildings and Conservation Areas' and 'Edinburgh Design Guidance'.

6. The proposals are not of sufficient design quality and do not respect or enhance the immediate and wider environment. They are contrary to policies Des 1, Des 2, Des 3, Des 4 and Hou 3 and the 'Edinburgh Design Guidance'.

7. The proposals adversely impact on the character of the Open Space and are contrary to policy Os1 of the Edinburgh City Local Plan.

Statutory Development

Plan Provision

The application site is in an Urban Area and forms part of a Local Nature Conservation Site and area of Protected Open Space in the Edinburgh City Local Plan.

It is in the Coltbridge and Wester Coates Conservation Area.

Date registered

3 April 2013

Drawing numbers/Scheme

01-12,

Scheme 1

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Links - Policies

Relevant Policies:

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

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

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Other Relevant policy guidance

The Coltbridge and Wester Coates Conservation Area Character Appraisal emphasises low density form of the area and the predominance of detached and semi-detached villas complemented by the profusion of mature trees, extensive garden settings, and stone boundary walls.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

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

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

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 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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

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

Policy Tra 7 (Tram) prevents development which would prejudice tram safeguards or identified tram routes.

Policy Tra 13 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Relevant Non-Statutory Guidelines

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

Appendix 1

Consultations

Archaeology

The site occupies a triangular lot of land adjacent to the former Caledonian Railway Branch Line to Granton constructed in 1860. The 1876 Os map of the area shows the site occupied by two possible industrial buildings associated with an external weighing machine. These structures were probably constructed in 1864 when Roseburn Place was developed. Accordingly the site is regarded as being of archaeological interest relating to the Victorian industrial development of Edinburgh.

This application must therefore be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN 2/2011 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 the construction and operation of the former petrol station has undoubtedly had a significant effect upon any remains relating to the above mentioned Victorian buildings, the petrol tanks appear to be located in the yard area to the front of and therefore missing the actual buildings. The construction of the new building is regarded therefore as having a potential significant archaeological impact. Accordingly it is recommended that a condition be attached to consent, if granted, to ensure that a programme of archaeological works is undertaken prior to construction in order to excavate, record and analysis any associated significant archaeological deposits.

If consent is granted it is recommended that these programme of works 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.

Environmental Assessment

The application proposes a commercial ground floor premises with eight residential flats above. The commercial space is proposed to include a unit which may be Use Class 1, 2 or 3. Residential properties are situated to the east and south-east across

Balbirnie Place and across West Coates to the north-east. A cycle path bounds the site to the west with residential flats further to the west and south-west.

The site has previously been occupied by a petrol filling station and therefore Environmental Assessment will recommend a condition to ensure that the site is adequately remediated prior to development to ensure that the site is made suitable for the newly proposed end uses.

The application proposes residential properties with living rooms fronting onto West Coates. West Coates is a main thoroughfare into and out of central Edinburgh and can have high levels of traffic noise. Therefore this Department will recommend a condition to ensure that the level of amenity within the proposed properties is protected from noise.

The application proposes to site commercial premises on the ground floor with the proposed residential properties above. The application may include Class 3 restaurant premises which can impact upon residential amenity by way of ventilation odours and noise if not properly controlled and conditioned. Therefore, the proposal includes a ventilation flue within the east gable rising to chimney pot height. Conditions will be recommended by this Department to ensure that any potentially detrimental residential amenity impacts from odour and noise are adequately controlled.

Additionally, this Department will recommend conditions to protect the residential amenity of the flats above from delivery and collection, plant, amplified sound and other operational noise and vibration associated with any of the proposed commercial premises.

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

Residential

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

*A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.*

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

2. No development shall take place until a scheme for protecting all bedrooms and living rooms of the residential development against road traffic noise has been submitted and approved by the Council as Planning Authority. The scheme will be designed in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' to attain the following internal noise levels:

*Bedrooms - 30dB LAeq, T and 45dB LAfmax
Living Rooms - 30 dB LAeq, D*

*T - Night-time 8 hours between 2300 - 0700
D - Daytime 16 hours between 0700 - 2300*

The agreed scheme must be implemented in full, prior to the use being taken up.

Class 2 Office

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

Class 3 Restaurant

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

5. (i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted a suitable exhaust point as agreed with the Planning Authority to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

(ii) The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.

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

7. Deliveries and collections, including waste collections, to be restricted to 0700 to 1900 hours Monday to Saturday and 0900 to 1700 hours on Sundays.

8. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

Transport Planning

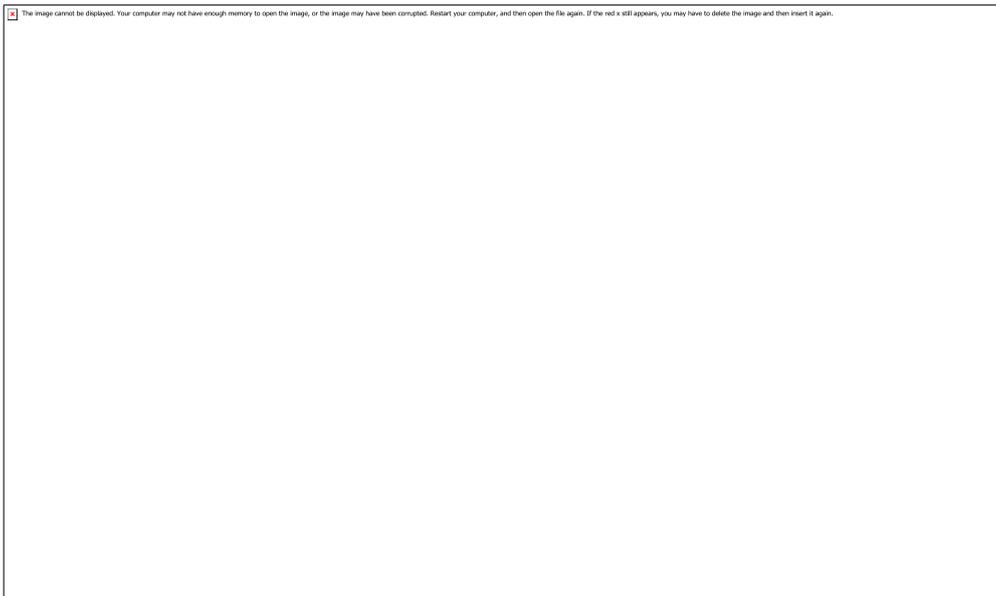
The application be refused for the following reasons:-

a) The development proposals lie within parking zone 3a which makes for the provision of a minimum of 1 space per dwelling. The proposal indicates 3 spaces which does not meet the required provision of 8 spaces for 8 dwellings.

b) The 3 spaces are located within a lay by which in this location would be detrimental to road safety.

c) There is no provision for an unloading and loading bay to service the Class 1, 2 and 3 part of the development.

Location Plan



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END