

Development Management Sub Committee

Wednesday 25 September 2013

**Application for Planning Permission 12/03961/FUL
At 21 - 22 Balcarres Street, Edinburgh, EH10 5JD
Demolition of existing building and redevelopment for later
living retirement housing (2 blocks) together with
landscaping and car parking. (SCHEME 2).**

Item number

Report number

Wards

A10 - Meadows/Morningside

Links

[Policies and guidance for this application](#)

NSGD02, LPC, CITD1, CITD3, CITH1, CITH3, CITH7, CITT4, CITT6, CITE17, NSG, NSP, NSMDV, NSDCAH,

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jennifer Zochowska, Planning Officer

E-mail:jennifer.zochowska@edinburgh.gov.uk Tel: 0131 529 3793

Executive summary

Application for Planning Permission 12/03961/FUL At 21 - 22 Balcarres Street, Edinburgh, EH10 5JD Demolition of existing building and redevelopment for later living retirement housing (2 blocks) together with landscaping and car parking. (SCHEME 2).

Summary

The proposal complies with the development plan and the non statutory guidelines. It is acceptable in this location and is of an appropriate scale, form and design. The proposal will reduce daylighting to two neighbouring properties' windows but this is acceptable given the benefits of securing later living units. The landscaping plan is acceptable and the proposal is sustainable. The amount of parking proposed is acceptable and a legal agreement will secure the delivery of the disabled bays, the Stopping Up Order and contribution to the City Car Club. The proposal has taken account of the flood risk by raising the height of the building. The proposal will deliver 9 affordable housing units (4 on site and 5 as commuted payment) for later living and the impact on equalities and human rights is acceptable.

Recommendations

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

Financial impact

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

Equalities impact

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

Sustainability impact

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

Scheme 1 attracted seven letters of representation, including one registered as a support comment and one neither objecting to nor supporting the application. The letters of representation raised the following material issues:

- type of development;
- design;
- amenity - loss of daylighting and loss of sunlight;
- transport - parking, extra traffic congestion in Bruce Street.

Non- material comments were also raised.

No comments were received from the Community Council.

The neighbours were renotified on the amended proposals on 4th May 2013 and a further two letters of representation were received, objecting to the proposals. The letters of representation raised the following material issues:

- amenity - loss of daylighting and loss of sunlight.

No non-material representations were received.

No comments were received from the Community Council.

A full assessment of 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 12/03961/FUL At 21 - 22 Balcarres Street, Edinburgh, EH10 5JD Demolition of existing building and redevelopment for later living retirement housing (2 blocks) together with landscaping and car parking. (SCHEME 2).

1. Background

1.1 Site description

The application relates to a 0.21 hectare site on the north side of Balcarres Street, backing on to the south suburban railway line. It is an L-shaped site with frontages onto Balcarres Street and Bruce Street. The site is presently vacant but was previously occupied by a car showroom and garage (Western Saab). There is a single storey showroom between the exposed gables of the tenements at 19 and 23 Balcarres Street, and workshops to the rear accessed via the entrance to the north of the tenement at 2 Bruce Street. The remaining area is hardstanding. The four storey tenements to either side are in residential use on all floors. Opposite the site to the south is Morningside Cemetery. To the north across the railway is a modern residential development at the end of Maxwell Street.

The site is not within a conservation area.

1.2 Site History

14 March 2007. Planning permission was granted for the demolition of existing car showroom and erection of 39 apartments with associated parking and amenity (Planning application number 05/02001/FUL).

29 August 2012. Planning permission was granted for the Modification of Planning Obligations for planning consent 05/02001/FUL (Planning application number 12/02454/OBL).

25 June 2012. Certificate of Lawful Use or Development issued for application for certificate of lawfulness to complete the development in terms of planning permission 05/02001/FUL. Work begun on 1 May 2012 (Reference: 12/01519/CLP).

2. Main report

2.1 Description Of The Proposal

Scheme1

The proposal is for 39 later living retirement apartments in two blocks with associated landscaping and parking. The existing building will be demolished.

The larger of the two blocks will be constructed on Balcarres Street on the site of the former car showroom and in the gap between the tenements. It will occupy the entire length of the gap between the two tenements and will be five storeys high. The sections joining up with the existing tenements will be very slightly set back and be of zinc. A larger zinc section will also be formed on the front elevation with the rest of the front elevation being cast stone. Balconies with glass balustrades will be installed on the front elevation. The top storey will be zinc panelling/cladding and will have terraces. Ramps will be installed between the street level and the ground floor level of the proposed building.

The rear elevation will include sections of cast stone, render coating and zinc. Some of the windows will have flush balconies. It will step out in sections into the proposed rear garden area.

The smaller of the two blocks will be built at the end of Bruce Street and abut the gable of the existing tenement. A pend will be formed between the proposed block and the existing tenement to enable vehicular traffic to access the parking and rear garden ground of the proposed development. It will be four storeys high with flush balconies.

Both blocks will have supporting facilities such as a reception area and laundry room. A communal lounge and guest bedroom will be provided in the Balcarres Street block. Supporting information provided advises that McCarthy and Stone Management Services Ltd will manage the development following completion and will maintain the buildings and grounds on behalf of the residents.

Thirty two units made up of 15 one bedroom and 17 two bedroom units will be provided in the Balcarres Street block. Seven one bedroom units will be provided in the Bruce Street block. Four Golden Share apartments will be provided within the Bruce Street block and a financial contribution towards affordable housing will be made towards 5 affordable units.

Fourteen parking spaces will be provided on site, at the back of the building with access from Bruce Street. The parking area will be monoblock. Six spaces will be provided on the public street in Balcarres Street two of which will be allocated for disabled spaces/blue badge holders.

Boundary treatments will be the existing stone walls and cast stone walls and also railings.

Scheme 2

Scottish Water has indicated that they require a clear height of 4.5 metres to allow for machinery access to the existing sewer at the rear of the development so the height of block 2 is to be increased by 1.775 metres to allow for the increase in the height of the pend.

The following documents have been submitted in support of the application:

- Planning for an ageing population - consultation;
- Flood risk and proposed drainage;
- Landscape plan and hard landscaping specifications;
- Lighting specifications;

Site investigations;
Design and Access Statement;
Planning Statement;
Pre-application consultation report;
Housing markets and independence in old age; and
A better life - private sheltered housing.

These documents are available to view on the Council's Planning and Building Standards on-line services on the Council's web site (www.edinburgh.gov.uk/planning).

2.2 Determining Issues

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

2.3 Assessment

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

- (a) the principle of development is acceptable;
- (b) the proposed scale, design and materials are acceptable;
- (c) the proposal is detrimental to the amenity of neighbours;
- (d) the proposal provides sufficient amenity for the occupiers of the development;
- (e) the proposed landscaping proposals are acceptable;
- (f) the proposal is sustainable;
- (g) the proposal affects transport, parking or road safety;
- (h) the proposal results in a flood risk;
- (i) the proposal will deliver affordable accommodation;
- (j) there are any equalities or human rights impacts; and
- (k) comments made in the representations have been addressed.

(a) Principle

The site lies within the Urban Area of Edinburgh City Local Plan, where the principle of housing development is acceptable provided the proposals are compatible with other policies in the plan.

The vacant site was previously used as a car showroom in a mainly residential area. The proposal will re-introduce housing on the site and is a compatible use with the immediate surrounding uses and wider area.

The principle of residential use on the site has been established by the extant planning permission for residential development (Planning application number 05/02001/FUL and 12/01519/CLP).

The proposal is acceptable in this location.

(b) Scale, design and materials

Block 1, Balcarres Street, will sit comfortably between the tenements on Balcarres Street and will respect the existing building line on Balcarres Street. Although it will be a storey higher than the tenements, the top floor will be set back from the proposed front building line and be in grey and black zinc. This will sit satisfactorily between the slate roofs of the abutting tenements. The modern design of the façade contrasts well with the traditional style and materials of the neighbouring tenements.

The proposed design, height, massing and form are similar to the residential development which was approved in March 2007. The front elevation is very similar to what has been approved, including residential accommodation in the roof space. The proposed front elevation is acceptable.

The rear of the Balcarres Street block will be similar and will step out in stages. The existing car showroom building comes out at a slight angle from the rear building line and is of a height between the ground and first floor levels of the adjacent tenements. The current proposal will protrude further. This design approach is acceptable and an improvement on the current car show room building. The benefits of a residential use will provide a stronger street scene continuity by forming blocks in a scale and massing similar to the tenements in the streets outweigh the different design approach proposed for the rear of Balcarres Street block (Block 1) on a secondary rear elevation.

There is evidence that there was a tenement block adjoining the current gable end of the one next to the entrance to the site on Bruce Street. The proposed block (Block 2) will complete the formation of the street as an originally tenemental street and make a positive contribution to the street scene. It will introduce a pend, a common feature in tenemental areas. While the roof will sit higher than the existing tenement, the impact will be acceptable in what is a secondary street which is relatively short in length. It has a simpler facade than that proposed for Balcarres Street respecting the adjoining tenements.

The proposed scale, design and materials are acceptable.

(c) Neighbouring Amenity

The applicant has provided information demonstrating the impact on the development on loss of daylighting and creation of overshadowing to neighbouring properties. Information was also provided on the impact on daylighting and overshadowing of the existing garage showroom. The information provided demonstrates that adverse overshadowing will not be created.

Although Block 1 will result in a loss of daylighting to two rear ground floor windows of the existing adjacent tenements, one of either side of the proposed building, the rest of the windows in the two neighbouring tenement flats will be unaffected. Block 2 in Bruce Street will sit within the building line of the existing tenement and will set out slightly, to the rear. Any overshadowing of the protrusion will fall mostly within the application properties curtilage.

Edinburgh Design Guidance recognises that the benefits of achieving good townscape needs to be balanced with concerns regarding daylighting and overshadowing. The proposal will enhance the street scene and townscape by replacing the current car

showroom which does not respect the surrounding buildings. In these circumstances, the rear element of Balcarres Street and the built form of Bruce Street is justified.

(d) Amenity for Future Occupiers

The proposed units on the Balcarres Street block will be single aspect, although a few of them will have a small bathroom window to form dual aspect. Those units at the front will be south facing and some will benefit from having a balcony, balconette or terrace giving additional daylight. The units to the rear will face north, but benefit from an open outlook and will not be directly opposite windows. This design approach is acceptable in terms of the Edinburgh Design Guidance and has been replicated in other similar consented schemes in the city.

Residents will have access to a shared landscaped garden to the rear.

The applicant has provided information relating to noise mitigation from road traffic, the railway and electricity substation. The mitigation measures are considered acceptable. Details of the acoustic windows to be installed have been provided in The Noise And Vibration Impact Assessment (Technical Report No. R-6173-RGM-CS, dated 12 December 2012) and they will comply with BS8233.

Environmental Assessment has requested NR20 condition in relation to lifts and other plant and machinery within buildings. The condition will rarely, if ever, be necessary as responsibility for the maintenance of such systems lies with the owners through a factor.

Potential contamination is not an issue as remediation measures have been carried out as part of the previous consented residential development.

The proposal will provide an acceptable level of amenity for future occupiers.

(e) Landscaping

Policy Hou 3 sets out the minimum site requirement for the provision of open space. The Local Plan specifically states that the policy does not apply to housing built for occupation by particular groups such as students or the elderly. The applicant has provided evidence based on research from its other retirement housing developments that the open space associated with their developments is acceptable. In these circumstances the open space provision is acceptable.

Network Rail has provided advice on planting near the railway line and this will be attached as an informative for the applicant's information.

The proposed landscaping is acceptable.

(f) Sustainability

The applicants have submitted a sustainability statement form which confirms that in terms of the requirements of section 6 (energy) of the Building Standards 2010 regulations, the use of upgraded fabric for the building will accord with previous regulations.

The site of the flats is within easy walking distance from Morningside facilities and is well served by public transport.

In terms of the current condition of the site, it is considered to be capable of accommodating a residential development and will re-use a brownfield site.

The proposal is sustainable.

(g) Transport, Parking and Road Safety

Transport has advised that it has no objections to the application in principle. Current parking standards require a minimum of 20 spaces for retirement housing. The development provides 14 off-street spaces but gives the opportunity to free up space on Balcarres Street for 2 disabled parking spaces and approximately 4 vehicles. Loss of on-street parking has been raised in the letters of representation. It noted in its response that on-street spaces will be available for all road users and cannot be allocated to any particular property or road user and cannot be marked out individually, with the exception of the disabled spaces.

A letter of representation suggested that these spaces be located to the rear of the building. Disabled parking spaces located to the rear of the property would only be able to be used by those living in the development. The disabled spaces on the public road will be able to be used by anyone with a blue badge.

The vehicular access is an established access and the proposal will also have a vehicular access from Bruce Street. The previous site use would have had vehicle movements associated with the site. Transport has not raised traffic congestion in Bruce Street as an issue.

Transport has advised that a suitable traffic regulation order will be required for the proposed disabled parking spaces on Balcarres Street. These spaces should be marked and signed in accordance with current legislation. Transport has also requested that the applicant enter into a suitable legal agreement to contribute to car club provision in the area, a traffic regulation order to control the disabled parking bays and to stop up the section of footway on Balcarres Street. Appropriate informatives will be placed on this permission relating to these matters.

The pavement in front of the former car showroom is adopted by the Council and, therefore, is part of the public street. A Stopping Up Order will be required to enable part of the public footpath to be changed into garden ground, and the access stairs and ramp to the proposed development. An informative shall be placed on this permission regarding the stopping up of the public footpath.

The proposal will have a neutral effect on transport, parking and road safety.

(h) Flood risk

Initial site appraisals revealed that the site has been susceptible to localised flooding in recent years. The applicant engaged consulting engineers to investigate this and provide a preliminary report which forms part of the application. This concluded that by raising the ground level of the building by 750mm would be sufficient to mitigate any future flooding impact on the development and this had been incorporated into the proposed plan.

The proposal will not create new flood risk. While Bridges and Structures has suggested that a culvert should be provided, such a requirement would not be reasonable or proportionate given the existing extant planning permission and a lack of any certainty that such works are programmed in the near future.

(i) Affordable Accommodation

Policy Hou 7 requires a contribution of 9 units towards affordable housing from this development. The applicant is proposing the full 25% affordable housing contribution. McCarthy and Stone provide retirement living for a specific age-defined social group, usually restricting ownership of their properties to those over 60 years old. Strategy and Investment has advised that there is an identified affordable housing need for this social group, and the Council has worked closely with the developer to ensure an affordable housing outcome that specifically benefits this particular target group.

The applicant has submitted documentation demonstrating the exceptional site preparation and construction costs, most prominently relating to flood remediation measures. These costs have been scrutinised by the Council and, therefore, it seems reasonable that the 9 affordable housing units be delivered in line with the Affordable Housing Policy Outcomes applied at McCarthy and Stone's Baberton and Baileyfield developments. Therefore, 4 affordable housing units will be provided in Block 2 (Bruce Street) at the developer's expense as Golden Share homes. Golden Share homes, caps the asking price at 80% of the market value whenever they are to be sold. The units are retained in perpetuity, and allow them to be accessed by older households who would otherwise be priced out of retirement living of this type. The price cap is secured for each resale for all time to come through a Deed of Conditions, which will be codified in the Section 75 Agreement. The remaining 5 affordable units will be delivered through a commuted sum, justified by the existence of exceptional site preparation and remediation costs. The commuted sum will be £120,000 payable upon commencement of development at Balcarres Street by the developer and will be used to support the delivery of elderly-accessible affordable homes in the South and West of the city.

Strategy and Investment are supportive of this application. The applicant has confirmed their willingness to include these terms within a Section 75 agreement. Therefore, a legal agreement is required to secure the delivery of the affordable housing units.

Affordable units will be provided in two established residential streets which are close to local amenities. The proposal will provide independent living for the elderly population, the need for this is demonstrated in the demographics of the population in the City and, therefore, this proposal should be supported as such.

The proposal will deliver affordable housing.

(j) Equalities and Human Rights

The proposal will provide 39 later living units, including 9 affordable units, with supporting services such as a communal lounge, office and laundry.

The units have been specially designed for the older residents with features such as ramps and lifts have been provided giving easy access to upper floors.

The impact on equalities and human rights has been considered and is acceptable.

(k) Public comments

Material representations

- Type of development this has been addressed in section 2.3a
- Design - this has been addressed in section 2.3b
- Residential amenity – this has been addressed in section 2.3c
- Transport issues - this has been addressed in section 2.3g

Non material representations

- Suggestions were made for other forms and types of residential development. However, only the proposal submitted can be considered and the suggestions cannot be assessed as part of the current application.

- Loss of view from existing properties- the protection of a private view is not a material planning matter and, therefore, cannot be considered in the assessment of the application.

-Damage to foundations - the grant of planning permission does not remove the need to seek or comply with the other statutory consents or legislation i.e. Building (Scotland) Regulations.

Community Council – no comments were received.

Conclusion

The proposal complies with the development plan and the non statutory guidelines. It is acceptable in this location and is of an appropriate scale, form and design. The proposal will achieve good townscape which outweighs the reduction in daylighting to two neighbouring properties windows and this is acceptable given the benefits of securing later living units and will provide sufficient amenity for future occupiers. The landscaping plan is acceptable and the proposal is sustainable. The amount of parking proposed is acceptable and a legal agreement will secure the delivery of the disabled bays, the Stopping Up Order and contribution to the City Car Club. The proposal has taken account of the flood risk by raising the height of the building and will not create a new flood risk. The proposal will deliver 9 affordable housing units (4 on site and 5 as commuted payment) for later living and the impact on equalities and human rights is acceptable.

3. Recommendations

3.1 It is recommended that this application be Granted.

3.2 Conditions/reasons

Conditions:-

1. 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.

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

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

2. A Stopping Up Order under section 207 of The Town and Country Planning (Scotland) 1997 shall be promoted and the developer shall contribute £2,500 to the cost to the Council.

3. A suitable legal agreement shall be entered into to secure a contribution of £7,000 to car club provision.

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

5. 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.

6. 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.

7. The proposed access point on Bruce Street to be dropped kerb i.e. not bellmouth opening.

8. The proposed disabled parking spaces on Balcarres Street cannot be marked or signed until a suitable traffic regulation order has been implemented at no cost to the Council.

9. The disabled parking spaces must be marked and signed in accordance with current legislation. The applicant should provide a suitable drawing showing the proposed layout, markings and signs for the written approval of the Head of Transport.

10. Any works to the road, including footways, will require separate application for road opening permits.

11. Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

12. The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

13. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
Buchanan House, 58 Port Dundas Road
Glasgow, G4 0LQ
Tel: 0141 555 4887
E-mail - AssetProtectionScotland@networkrail.co.uk

14. The grant of this planning permission does not imply the absence of flood risk.

Statutory Development**Plan Provision**

The application site is in the Urban Area of Edinburgh City Local Plan.

Date registered

5 November 2012

Drawing numbers/Scheme

01,04A, 05A, 06, 07A, 08A - 09,

Scheme 2

David R. Leslie

Acting Head of Planning and Building Standards

Links - Policies

Relevant Policies:

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.

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

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

Relevant Non-Statutory Guidelines

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 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.

Appendix 1

Consultations

Environmental Assessment

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Demolition of Existing Building and Redevelopment for Later Living Retirement Housing (2 Blocks) Together with Landscaping and Car Parking at 21-22 Balcarres Street. (12/03961/FUL)

The application proposes to erect retirement housing on the site of an existing car showroom. Residential properties are situated to the west and east with a railway line bounding the site to the north.

The railway line situated to the north of the site has the potential to impact upon the amenity of the properties by way of noise. Therefore, a condition will be recommended to ensure that the noise climate is assessed and mitigation measures applied where necessary.

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

1. No development shall take place until a scheme for protecting all bedrooms and living rooms of the residential development against railway 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.

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

Should you wish to discuss the above, please do not hesitate to contact me on 0131 469 5802.

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.

Network Rail

Town and Country Planning (Scotland) Act 1997 (as amended)

Re: Demolition of existing building and redevelopment for later living retirement housing (2 blocks) together with landscaping and car parking at 21 - 22 Balcarres Street Edinburgh EH10 5JD

Thank you for notifying Network Rail regarding the above development.

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

'Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Further comments were received on 5th July 2013

Thank you for consulting Network Rail on the amended application.

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

'Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

- Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.*

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

• Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

*Network Rail Asset Protection Engineer
Buchanan House, 58 Port Dundas Road
Glasgow, G4 0LQ
Tel: 0141 555 4887
E-mail - AssetProtectionScotland@networkrail.co.uk'*

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Flooding Officer

The statement refers to the need for further consultation with me. The best way to get my approval now would be to provide a drawing showing the construction of a culvert under the building at a size, line & level agreed with me, to be used if necessary for a future overflow route to alleviate the flooding which happens at present. If that is not done, the construction of this building would seriously compromise the design of measures to reduce flood risk. It needs to be demonstrated that the construction of such a culvert can be incorporated into the building, since the building entirely fills the gap between the existing tenements.

Strategy and Investment

*TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997
DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT FOR LATER LIVING RETIREMENT HOUSING (2 BLOCKS) TOGETHER WITH LANDSCAPING AND CAR PARKING. AT 21 - 22 BALCARRES STREET, EDINBURGH, EH10 5JD
REFERENCE NUMBER: 12/03961/FUL
WARD NO: A10*

I refer to the consultation request from the Planning Department about this planning application.

Services for Communities has developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

- *The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- *This is consistent with Policy Hou 7 Affordable Housing in the Finalised Edinburgh City Local Plan.*

As this application is an application for 39 residential units, the AHP will apply and a contribution of 9 units is required. The applicant is proposing the full 25% affordable housing contribution, in line with similar McCarthy & Stone retirement developments elsewhere in the city which are currently under construction. McCarthy & Stone provide retirement living for a specific age-defined social group, usually restricting ownership of their properties to those over 60 years old.

There is an identified affordable housing need for this social group, and the Council has worked closely with the developer to ensure an affordable housing outcome that specifically benefits this particular target group. In two recent developments in the city, at Baberton and Baileyfield, careful consideration was given to the economics of the development, as well as to ensuring the affordable housing would benefit older households in affordable housing need for the lifespan of the properties that were built.

Consequently, in those two cases, the outcome was a mix of some units being delivered onsite by the developer (without any recourse to public subsidy, and which were built and subsequently marketed entirely at the private developer's expense). These units were of the Golden Share tenure, which Edinburgh is pioneering, and which caps the asking price at 80% of market value whenever they are to be sold. This retains these units as affordable in perpetuity, and allows them to be accessed by older households who would otherwise be priced out of a retirement living development of this type. The price cap is secured for all time to come through a Deed of Conditions, which will be codified in the Section 75 Agreement. Given this relatively light-touch but effective legal mechanism, and the fact that these units are delivered at the developer's expense, this tenure can lay claim to being a very efficient affordable housing outcome for the public sector, securing affordable homes onsite for all time to come.

In each of the two cases to date (at Baileyfield and Baberton) there have been extenuating factors relating to the site which have seen the AHP outcome being a mix of these Golden Share units and an additional commuted sum of money. In each case the commuted sum has been paid on time (which was upon the commencement of development, a very early stage in the process). In each case the commuted sum that emerged from the McCarthy & Stone site is being used to cross-subsidise wheelchair-accessible accommodation on other affordable housing projects in the same or adjacent ward as the McCarthy & Stone development from which it emerged.

The site at Balcarres Street does have some exceptional site preparation and construction costs attached to it, most prominently to do with flood remediation measures. These exceptional costs have been submitted by the applicant, scrutinised by the Council and been found to be acceptable and reasonable. Consequently, it is seen as reasonable that the 9 unit affordable housing requirement at Balcarres Street can be delivered in line with the successfully-delivered AHP outcomes in Baberton and Baileyfield by McCarthy & Stone.

The outcome proposed is for 4 of the units to be delivered at the developer's own expense as Golden Share homes in Block 2. These will be identical to, and fully integrated with, other private sale homes within this block. These 4 Golden Share homes will be secured as affordable homes in perpetuity through a Deed of Conditions which caps their price at 80% of market value at the time of each resale for all time to come.

The remaining 5 unit requirement will be provided through a commuted sum, justified by the existence of exceptional site preparation and remediation costs (in this case arising from essential flood remediation works required). The commuted sum will be for the sum of £120,000. This sum will be payable upon commencement of development at Balcarres Street by the developer, and will be used to support the delivery of elderly-accessible affordable homes in the South and West of the city.

The applicant confirmed to the Council by email (on 2 November 2012) their willingness to include these terms within a Section 75 agreement, having received approval to do so from their UK board.

We may be confident from previous experience that this arrangement will provide a very efficient and successful approach to the delivery of affordable housing in perpetuity for older households in the city. The Department is supportive of this application, which will allow for the development of an integrated and mixed, sustainable community. The Department would be happy to assist with any queries around the affordable housing requirement for this development.

Transport Planning (Development Control)

First response dated 4 December 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING APPLICATION No: 12/03961/FUL

FOR: DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT FOR LATER LIVING RETIREMENT HOUSING (2 BLOCKS) TOGETHER WITH LANDSCAPING AND CAR PARKING

AT: 21 - 22 BALCARRES STREET EDINBURGH EH10 5JD

Transport has no objections to the application in principle. However, Council records show that the area immediately fronting the proposed development on Balcarres Street is adopted footway and it appears from the submitted drawings that the applicant proposes to carry out work in this area. Whilst, Transport has no objection in principle to the proposals, the applicant will need to negotiate with the Council to secure this area for development. A stopping up order, under Section 207 of the Town and Country Planning (Scotland) Act 1997, will be required. It is not clear from the records available whether the Council is the landowner at this location.

I would therefore request that the application be continued.

The applicant should note that the following conditions or informatives will be required:

- 1. The proposed access point on Bruce Street to be dropped kerb, i.e. not bellmouth opening;*

2. *The proposed disabled parking spaces on Balcarres Street cannot be marked or signed until a suitable traffic regulation order has been implemented at no cost to the Council;*
3. *The disabled parking spaces must be marked and signed in accordance with current legislation. The applicant should provide a suitable drawing showing the proposed layout, markings and signs for the written approval of the Head of Transport;*
4. *Any works to the road, including footways, will require separate application for road opening permits.*

Consent should not be issued until the applicant has entered into a suitable legal agreement to contribute:

1. *the sum of £7,000 to car club provision in the area;*
2. *the sum of £2,500 to introduce a traffic regulation order to control the disabled parking places;*
3. *the sum of £2,500 to stop up the footway on Balcarres Street under Section 207 of the Town and Country Planning (Scotland) Act 1997*

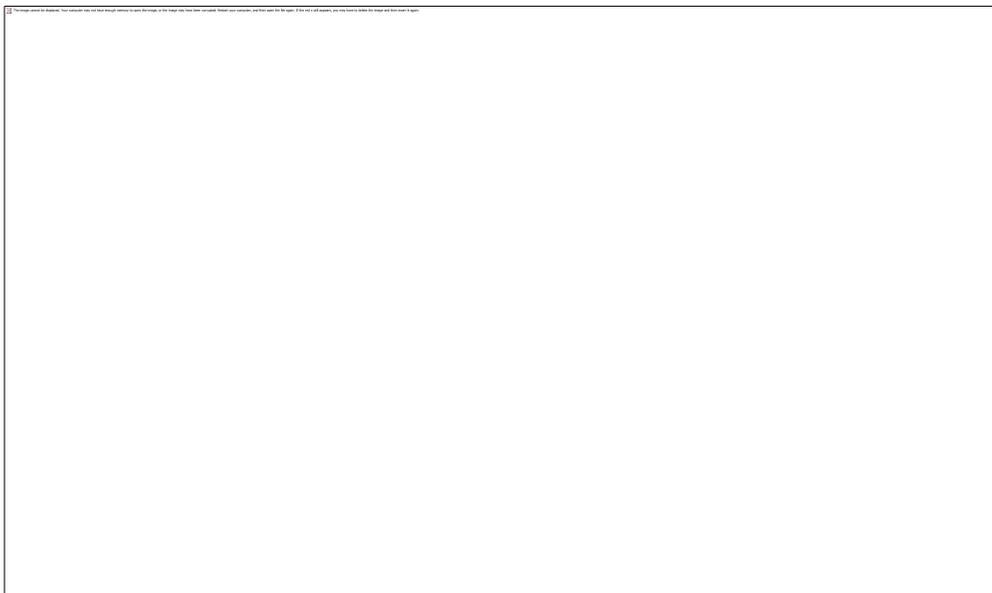
Note:

Current Council parking standards require a minimum of 20 spaces for retirement housing. The development provides 14 off-street spaces but also gives the opportunity to free up space on Balcarres Street for 2 disabled parking spaces and approximately 4 vehicles. Car club contributions are requested;

The applicant should note that the on-street spaces will be available for all road users and cannot be allocated to any particular property or road. The on-street spaces cannot be marked out individually, with the exception of the disabled spaces.

Enquiries and applications regarding the above matters can be made to the Director of City Development at Waverley Court, 4 East Market Street, Edinburgh EH8 8BG.

Location Plan



© Crown Copyright and database right 2013. All rights reserved. Ordnance Survey License number 100023420

END