

Development Management Sub Committee

Wednesday 25 September 2013

**Application for Planning Permission 13/00589/FUL
At 11 Logie Green Road, 26, 28A, 29, 32, 33 Beaverbank
Place, Edinburgh
Proposed Surface Car Park and associated works.**

Item number

Report number

Wards

A12 - Leith Walk

Links

[Policies and guidance for this application](#)

LPC, CITH7, CITD1, CITD2, CITD3, CITD5, CITE9, CITT6, CITT5, CITT4, NSG, NSDCAH, NSMDV, NSP,

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Executive summary

Application for Planning Permission 13/00589/FUL At 11 Logie Green Road, 26, 28A, 29, 32, 33 Beaverbank Place, Edinburgh Proposed Surface Car Park and associated works.

Summary

The proposal complies with the policies of the Edinburgh City Local Plan and the non statutory guidelines. The parking levels provided are acceptable in terms of their number and layout. The type and level of affordable housing proposed is acceptable.

Recommendations

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

Financial impact

The application is subject to a legal agreement for the provision of a minimum of 25% affordable housing.

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 is not subject to the Edinburgh Standards for Sustainable Buildings.

Consultation and engagement

Pre-Application Process

There is no pre-application process history.

Publicity summary of representations and Community Council comments

No letters of representation have been received.

Background reading / external references

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

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1. Background

1.1 Site description

The site is currently an undeveloped piece of land which lies on the east side of Logie Green Road, south of the entrance to the Beaverbank Business Park. It has an area of 0.19 hectares. It forms part of a larger site which has been developed for mixed uses. Access is off Logie Green Road.

Two storey, post war, terraced villas are situated to the west of the site, on the opposite side of Logie Green Road. A category C Listed Church is located to the south west of the site, at the junction of Logie Green Road and Broughton Road (ref:45957 listed on 10th March 1999). Four storey sandstone tenement flats are located to the north west, fronting onto Logie Green Road. New flatted developments have been built directly to the north and north east of the site which comprise other phases of the original consent. To the south of the site on Beaverbank Place are 4 and 5 storey, sandstone tenement buildings.

1.2 Site History

20 April 2005 - planning application for 135 residential units and 1700 sqm commercial space (class 4) withdrawn (04/00517/FUL).

20 February 2009 - planning permission was granted for a mixed use development. The proposed uses consisted of student accommodation (337 bed spaces), 24 private housing units, 8 affordable housing units, class 4 business premises (including 35,190sqft office space and 35,190 sqft small business units), 1125 sqms of retail floor space and 2, class 3 catering outlets. The floorspace is to be accommodated within 5 separate blocks. Block A1 fronts onto Logie Green Road, whilst blocks A2, B, C, and D front onto Beaverbank Place. A new access road enters the site from Logie Green Road, linking the development to Beaverbank Place. The affordable housing was to be provided within block A2 subject to the conditions stated and subject to the conclusion of a section 75 Agreement relating to the provision of contributions towards the City Car Club, public transport improvements, the promotion of the relevant Traffic Orders, the submission and approval of a Travel Plan and the provision of the affordable housing on site (application number 08/01365/FUL).

7 June 2010 - planning permission was granted for material alterations to planning approval 08/01365/FUL to alter the position and layout of parking, omitting basement to block B, introduction of parking and deck to block C and addition of 1 extra study bed and 3 studios (application number 09/01969/FUL).

December 2010 - PAN submitted for the change of use of 336sqms of class 4 office accommodation located in block C and to the rear of Beaverbank Place to student accommodation (10/03293/PAN).

29 December 2010 - planning permission was granted to vary condition 3 of planning permission 08/01365/FUL and condition 1 of 09/01969/FUL to allow buildings to be occupied prior to completion of the Water of Leith Flood Prevention Scheme (application number 10/03273/FUL).

19 September 2011 - planning permission was granted for an amendment to planning permission for change of use of 389sqms of class 4 office accommodation located in block C (application number 11/00475/FUL).

23 March 2012 - planning permission was granted for the change of use of 299sq metres of class 4 office accommodation to a fitness centre in block C on Beaverbank Place (application number 11/04124/FUL).

24 April 2013 - enforcement investigation closed for alleged use of site as a builders yard. The site was found to not be in this use (13/00043/ECO).

June 2013 - PAN submitted for a variation to planning application 08/01365/FUL to deliver a reconfigured residential mix, removing the 3 bedroom units, and containing class 1 retail element on ground floor; 24, 1 and 2 bedroom flatted units on 3 upper floors and removal of top floor (13/01990/PAN).

2. Main report

2.1 Description Of The Proposal

The proposal is an amendment to the original planning consent number 08/01365/FUL. A car park with 15 spaces is proposed on the site of Block A2. Eight affordable housing units were previously granted consent at site A2 and this will be deleted from the scheme. The car park will be connected to the adjacent underground car park already consented under the previous proposals.

"Supporting Statement"

The applicants have submitted a Transport Statement in support of the application. This document is available to view on the Planning and Building Standards Online Services.

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 proposal is acceptable in principle;
- b) the proposal is acceptable in terms of road safety and parking provision;
- c) the proposal has any equalities or human rights impacts; and
- d) other material planning considerations are acceptable; and
- e) the representations raised have been addressed.

a) Principle of Development

The Edinburgh City Local Plan identifies the site as being within the Urban Area. The principle of developing residential units and associated car parking facilities has been established at the site with the previous planning consent. The development proposed is acceptable in principle.

The proposed development would result in the loss of the 8 affordable housing units which were to be provided in block A2. The applicant is willing to secure the minimum of 25% of the homes, 6 in total, as an approved affordable tenure (shared equity) through a section 75 agreement within the 24 residential units in block A1. This meets policy requirements, and Housing and Regeneration (SFC) supports the scheme. The previous legal agreement attached to planning application 08/01365/FUL would need to be revised to reflect the proposed changes.

In terms of principle the proposals are acceptable.

b) Parking, Access and Road Safety Arrangements

The parking provided will support the revised land use mix. The proposed amended layout provides 48 parking spaces with 33 spaces allocated for the retail use proposed on the ground floor of block A1 and 15 spaces allocated for the 24 residential units on the upper floors.

The number and layout of car parking proposed is acceptable and is supported by Transport. The legal agreement attached to the original consent required the developer to contribute to the city car club, submit a travel plan, on-street parking regulation, and make a TI contribution and a TRO contribution.

Cycle parking provision is indicated on the submitted drawings. Full details are required by condition.

In terms of road safety and parking provision the proposals are acceptable.

c) Equalities and Human Rights Impacts

An Equalities Impact Assessment has been undertaken. The proposal does not raise any Human Rights issues. Disabled parking spaces are provided in the underground car park area and is accessible by a lift. There are no adverse impacts on Equalities.

d) Other material planning considerations

Environmental Assessment has no objections to the proposals.

Archaeology states that the area retains significant archaeology which will be impacted upon by the scheme. A condition is required to ensure archaeological investigation work as agreed has taken place.

Bridges and Structures have confirmed that the proposed drainage details are acceptable and would not result in an adverse risk of flooding of the underground car park area. This is as long as the raised table on the access ramps into the underground car park has a height of 100mm. Transport has confirmed this is an acceptable solution and this is added as an informative.

Planting proposed along the site boundary to Beaverbank Place will soften the impact of the development. A condition is recommended to ensure that full details of planting and implementation of the approved scheme is secured.

A PAN has been submitted and approved to vary the original 08/01365 to deliver a reconfigured residential mix for block A1, the removal of the 3 bedrooomed units, the provision of a class 1 retail unit on the ground floor, the provision of 24, 1 and 2 bedroom flatted units on 3 upper floors and the removal of top floor of block A2. This application will be considered separately and will not affect the determination of this current application.

e) Public comments

No letters of representation have been received.

Conclusion

The proposals comply with the development plan and the relevant non statutory guidelines in respect of parking requirements and affordable housing provision. There are no material considerations which outweigh this conclusion.

3. Recommendations

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

3.2 Conditions/reasons

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. The approach ramps shall be constructed to a minimum height of 100mm, details of which shall be agreed with the Head of Planning & Building Standards prior to commencement of use of the car park hereby approved.

3. The drainage strategy at the site shall be implemented in accordance with the proposals contained in the revised Drainage Strategy for the site (prepared by WPS Development and Transportation), received on 21/07/2008.

4. 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.

5. A fully detailed landscape plan, including details of all hard and soft surface and boundary 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.

6. 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.

7. Before any part of the development is brought into use, cycle parking shall be provided within the site to meet the standard required by City of Edinburgh Council policy; the type and siting of such parking shall be approved in writing by the Head of Planning & Building Standards before work commences on site, and shall be implemented as approved prior to use of the car park area. No alteration to the approved cycle parking provision shall be made without the further written approval of the Head of Planning & Building Standards.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.

2. To prevent potential flooding of the underground car park.

3. In order to ensure that the development hereby approved is adequately protected from flooding.

4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

5. In order to enable the Head of Planning & Building Standards to consider this/these matter/s in detail.

6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

7. 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. Consent shall not be issued until a suitable legal agreement or an amendment to the existing legal agreement for planning application number 08/01365/FUL) has been concluded to secure the provision of a minimum of 25% affordable housing.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.

4. 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.

5. Transport informatives:

New build properties in the Controlled Parking Zone are eligible for one residents' permit only (in accordance with the Council's Transport Infrastructure and Environment Committee of 9 February 2010).

6. An appropriate amendment for Road Construction Consent ED/10/0003 in respect of the raised tables and possible additional road gullies to drain the road shall be submitted

Statutory Development Plan Provision

Edinburgh City Local Plan

The site is located in the Urban area.

Date registered 28 February 2013

Drawing numbers/Scheme 1-5,

Scheme 1

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Acting Head of Planning and Building Standards

Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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

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 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

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

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

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

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.

Relevant Non-Statutory Guidelines

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 '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.

Appendix 1

Consultations

Archaeology comment 15/03/2013

The current application site forms part of area A1 of Headland Archaeology's 2009 investigations undertaken in response to planning application 08/01365/FUL. This area was not fully excavated at the time though two evaluation trenches did reveal the existence of industrial archaeology dating principally to the 19th century and an early unmapped mill lade. Although undated this previously unknown mill lade may be associated with the mills at Canonmills which date back medieval period.

As this area has not fully excavated development in this area will have an archaeological impact. Accordingly this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV8 & 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.

As stated above and recognised back in 2009 this area retains significant archaeology which will be impacted upon by this scheme. Accordingly it is essential that a programme of archaeological excavation based upon the strategy agreed for the earlier 2008 application is undertaken of this area prior to development with any significant remains uncovered fully excavated and recorded.

It is therefore recommended that that the following condition is attached to this consent to ensure that this programme of archaeological works is undertaken.

'No development shall take place on the site until the applicant has secured and implemented 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 comment 26/03/2013

The applicant wants to make amendments to the existing planning consent (08/01365/FUL) which will change the level of car parking. Environmental Assessment has no objections to this proposed change.

SEPA comment 27/03/2013

To assist with streamlining the planning process, we now focus our site specific advice in development management on where we can add best value in terms of enabling good development and protecting Scotland's environment. To help facilitate this we have now updated our standing advice with flood risk advice for lower risk categories of development. It appears to us that your consultation falls within one of these categories. Therefore, please refer to Appendix 2 of our Standing advice for small scale development available from www.sepa.org.uk/planning.aspx.

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

Guidance on How and when to consult SEPA and our Standing advice for small scale local development is available on our website at www.sepa.org.uk/planning.aspx.

Transport comment 28/03/2013

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant should be advised that new build properties in the Controlled Parking Zone are eligible for one residents' permit only (in accordance with the decision of the Council's Transport Infrastructure and Environment Committee of 9 Feb 2010, Item 41, Report No. 6).

http://www.edinburgh.gov.uk/meetings/meeting/1981/transport_infrastructure_and_environment_committee

2. Cycle parking location, numbers, design and specification to be to the satisfaction of the Head of Planning.

Note:

Current parking standards would require 24 spaces for the consented residential units and between 14 and 28 spaces for the consented retail, a total of between 38 and 52 spaces. The development proposes a total of 48 spaces with 33 spaces allocated for the retail use and 15 spaces allocated for the residential element and managed by a purchased permit system. In addition, the developer has already contributed £16,500 to provide 3 car club spaces. It is therefore considered that the proposed level of parking is sufficient for the anticipated ownership levels. Residents will also be able to purchase a permit for on-street parking.

Affordable Housing comment 29/03/2013

1. Introduction

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 a minimum of 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.*

2. Affordable Housing Requirement

This proposal is for 24 homes and as such the AHP will apply. A minimum of 25% of these homes will be required to be of approved affordable housing tenures and will be required on site. The applicant is willing to secure a minimum of 25% of the homes (6 homes) as an approved affordable tenure (shared equity) through a Section 75 agreement. That meets the policy requirement, and is warmly welcomed by the Department as this will help to meet an identified housing need in the city, and will help to create an integrated mixed, sustainable community on this site.

The Department has some further reasons to welcome the proposed development. The developer has provided a commitment that the affordable homes will all be provided on site, and will be properly integrated within the development. All external finishes will be consistent throughout the site, which will give the development a “tenure blind” appearance.

The developer has engaged with a range of housing associations, who all found the development to be too challenging to deliver within current historically-low subsidy levels. It is recognised by the Department that a site of this size (6 affordable homes) does not provide good economies of scale for a developing RSL. In such cases, the most sensible outcome is often to examine the range of affordable housing tenures that meet an identified affordable housing need, but which are delivered directly by the developer without public subsidy.

Shared equity is one such approach, and the developer has agreed to the conditions required by City of Edinburgh Council – namely that the initial share purchased must not exceed £126,000 in value, with the remainder of market value being retained by the developer as their equity share. This arrangement would be secured through a Section 75 Agreement, for which Edinburgh has a template and standard wording.

This proposal has been discussed and agreed in principle by the developer with Services for Communities and is warmly welcomed, as it will meet an identified affordable housing need in a ward with very low existing levels of much-needed affordable housing.

It is requested that the provision of a minimum of 25% affordable housing, to be secured by Section 75 agreement, be included in the Informatives Section of the Committee report.

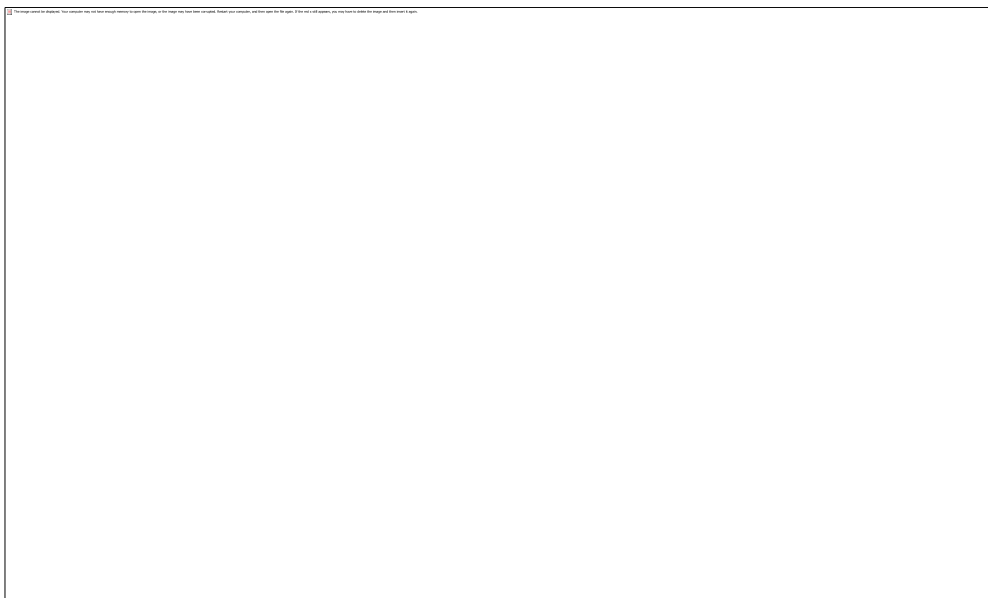
Bridges + Flood Prevention comment 25/03/2013

In reference to this application this department requires information regarding flow paths of the surface water network of the surrounding car park and environs. The developer must be able to show that surface water will not flow from the adjacent road or proposed car park down into the underground car park, as it would effectively create a flood storage area. The information is best provided via flow path drawings including ground levels and directional arrows. Proposed mitigation measures will be required should the drawings show potential inundation.

Further comments dated 26/08/2013

If a 100mm or more could be maintained across the road then that would satisfy our requirements.

Location Plan



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