

Development Management Sub Committee

Wednesday 25 June 2014

Application for Planning Permission 14/01389/FUL At Land 137 Metres South Of 52, Albion Road, Edinburgh Material variation to increase site levels to provide drainage system to existing consented residential development (12/03574/ful).

Item number	4.1
Report number	
Wards	A14 - Craigentinny/Duddingston

Summary

The proposal complies with the development plan and the non statutory guidance. It is acceptable in this location and is of an appropriate design, scale and layout. No new overshadowing or adverse impact on daylighting will be caused and there are no privacy or overlooking issues. The matters of amenity for future occupiers, transport, access and parking, sustainability and equalities and human rights have previously been considered in planning permission 12/03574/FUL and are acceptable. There are no other material considerations that outweigh this conclusion. Conditions and informatives as associated with 12/03574/FUL will be attached to this permission as appropriate. An informative regarding the requirement for an updated legal agreement is recommended.

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD3, CITD4, CITD5, CITD6, CITD10, CITH1, CITH2, CITH3, CITH4, CITH7, CITT2, CITT4, CITT5, CITT6, CITT13, NSG, NSGD02, NSMDV, NSP, NSP, NSESBA,

Report

Recommendations

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

Background

2.1 Site description

The application site forms part of a larger site formerly known as the Lochend Butterfly site and which has secured planning permission (12/03574/FUL) for residential development. The current application extends to an area of 1.04 hectares.

The larger site is triangular in shape and extends to approximately 2.5 ha. Existing and former railway uses are located on three sides of the site to the north, south west and south east. Crawford Bridge, an existing bridge which provides a pedestrian connection between Albion Road and Easter Road via Bothwell Street, is located to the north west of the site. This bridge is not currently accessible directly from the site. The site levels are approximately 5m lower than the bridge in this corner of the site. The land is currently vacant. There are existing residential areas to the north, north west and south west and there is an existing retail park adjacent to London Road to the south containing a range of shopping facilities including a supermarket.

The existing freight railway corridor which lies in a cutting to the north of the site is currently in limited use in connection with the Powderhall waste transfer facility. There is a variety of recently completed flatted housing developments of up to eight storeys on land to the north and north east. Part of that development relates to the wider Lochend Butterfly housing development of which this site forms part. The northern Lochend Butterfly site wraps around Lochend Park which is situated to the north east.

The site is accessed via an existing road bridge over the freight railway which connects the site to Hawkhill Avenue and Albion Road to the north and north west. This road was approved as part of the master plan for the area to ensure connections were in place for this south section of the master plan. These roads provide access to Easter Road and to the wider road network.

2.2 Site History

24 March 2014 - permission granted for residential development of colony housing and flats including roads, landscaping and pedestrian connections (as amended) at land 137 metres south of 52 Albion Road Edinburgh (application number 12/03574/FUL);

07 May 2008 - permission granted subject to a legal agreement (which has yet to be concluded) for 214 residential units at land at Albion Road Edinburgh (application number 08/01641/FUL);

24 November 2004 - planning permission granted for 199 residential units at Albion Road This consent is extant insofar as the road bridge to the north of the site has been constructed. This consented scheme could therefore be fully implemented without any further application (application number 03/02271/FUL); and

24 November 2004 - planning permission granted for 356 residential units north of the application site (application number 03/02270/FUL).

A concluded legal agreement for the wider development site including the application site identifies that affordable housing is to be delivered in the northern part of the housing development, thereby removing this as a requirement for the southern site. The affordable housing provision in the form of 126 affordable units has been built following detailed consent for that part of the development granted on 27 October 2011 (reference 11/01708/FUL). The legal agreement makes provision for education and transport contributions including securing money for the delivery of a future pedestrian connection to be formed with Moray Park Terrace to the south east.

Main report

3.1 Description Of The Proposal

The application seeks a material variation to planning permission 12/03574/FUL. The proposed change is to increase site levels to install a gravity drainage system. A pumping system was consented for the previous planning permission.

Changes in site levels are required to facilitate the gravity drainage system and this will result in most blocks on the larger triangular development (in planning permission 12/03574/FUL) site being higher above current ground levels of the application site. The site levels will be raised between 1.0m and 2.7 metres across the site. The height of the actual buildings will remain the same as will the number of storeys.

Blocks 1 - 5, blocks 6 - 8, and blocks 13 - 15 of planning permission 12/03574/FUL will be affected by the proposed changes in site levels. The tall blocks at the corners of the site as a whole (i.e. the site boundary in planning permission 12/03574/FUL) and the blocks on the south east (i.e. 10 - 12) will not be affected by the proposed increases in site levels.

3.2 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?

3.3 Assessment

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

- a) the principle of residential development is acceptable on this site;
- b) the design, scale and layout are appropriate to the site;
- c) the housing mix is appropriate and an adequate level of affordable housing has been provided;
- d) adequate open space has been provided within the scheme and there is an acceptable level of amenity;
- e) there are any transport, access or parking issues;
- f) the site will have an adequate sustainable urban drainage system;
- g) the proposal meets sustainability criteria;
- h) any impacts on equalities or human rights are acceptable; and
- i) comments raised have been addressed.

a) Principle of Development

The principle of residential use on this site has been established through the development plan, being identified as housing site (HSG 4) in Edinburgh City Council Local Plan, and existing planning permissions. Planning permission 12/03574/FUL establishes that residential use on this particular part of site - is acceptable.

Therefore, the principle of development in this location is acceptable.

b) Design, scale and layout

The current application is for changes in site levels only to enable a gravity drainage system to be installed. The layout, design and scale of the proposed houses and flats will remain the same as consented in planning permission 12/03574/FUL. These matters have previously been assessed as being acceptable in the previous planning application (12/03574/FUL).

The change in site levels required to provide a gravity drainage system will result in the ground levels being altered and this will result in the buildings being higher above the ground than that currently consented under the previous planning permission. The ground will be raised between approximately 1.0 metre and 2.7 metres high thus raising whole buildings by these heights above the existing ground level. Some blocks will be raised above current ground levels by approximately 1 metre and this will have a negligible impact on the character of the development and on the relationship with neighbouring buildings. Other blocks will be raised by 2.7 metres above current ground levels, reflecting the maximum proposed increase in the site levels. Most of the blocks will be raised between 1.8 metres and 2.4 metres above current ground levels.

The blocks will be between 17.5 metres and 30 metres from existing properties in Norton Park to the west of the site and between 18.5 metres and 19 metres from the existing properties in Albion Gardens to the north east of the site. In this context, the increased site levels and thus the increased heights of the proposed buildings above existing ground levels will not have a detrimental impact on the neighbouring properties.

The site, adjacent streets and wider surrounding area all have buildings of various heights including 4 storeys plus and high rise flats (e.g. Lochend). The increase in ground levels and, therefore, the height of the buildings above current ground levels will sit comfortably within the site, the neighbouring streets and wider area. The spatial relationship between the blocks and the neighbouring buildings will remain unchanged from the consented scheme in planning permission 12/0357/FUL.

The design, scale and layout, including the increased height of the ground levels, are acceptable.

c) Affordable Housing

This site forms part of the wider Lochend Butterfly master plan area which allocated dedicated plots for affordable housing. The affordable housing for the master plan is allocated to a different site, which is already under construction. As the affordable housing has been delivered first, there is no affordable housing policy requirement. The required level of affordable housing has already been satisfied on an adjacent plot.

d) Amenity and Open space

The proposed changes in levels and the resultant increase in heights of the buildings above current ground levels will not introduce any new daylighting or overshadowing issues. The applicant has provided drawings for sample blocks (Blocks 2, 4 and 7), positioned at the edge of the site boundary, on the north east and south west sides. These sample blocks represent the positioning and changes in site levels of the other blocks affected. The drawings show that the increase in the buildings resulting from the changes in site levels complies with the advice in the Edinburgh Design Guidance on daylighting and overshadowing. The proposed changes to site levels and the resultant changes in the heights above current ground level of the buildings will not introduce any overshadowing issues.

The blocks will be no nearer to existing properties than in the consented scheme and, therefore, will not introduce any new overlooking or privacy issues.

The issue of noise impact from existing adjacent uses was considered in application 12/03574/FUL. A condition was attached to the previous permission to ensure that mechanical ventilation with heat recovery facility (MVHR) is installed to protect future residents from the noise at the Meadowbank Retail Park. It is recommended that the condition relating to noise mitigation be attached to this permission.

Open space provision has already been considered in the previous planning application and complies with local plan policy. The current proposal does not alter the amount, type and location of open space consented.

Therefore, the proposal will not have an adverse impact on the amenity of neighbouring properties. It will provide an acceptable level of amenity for future occupiers and an acceptable level of open space.

e) Transport, access and parking

Access and parking will remain unchanged from planning permission 12/03574/FUL. The number of housing units remains the same and, therefore, there will be no additional traffic generated from the current proposals. Car parking and cycle parking were found to be acceptable, subject to a legal agreement to ensure the cycle parking is provided. An informative is recommended advising that a suitable legal agreement is concluded.

f) Sustainable Urban Drainage System

An addendum to the drainage report for 12/03574/FUL has been provided by the applicant. It demonstrates that the site can be adequately drained using a gravity drainage system. Flood Prevention has advised that the proposed drainage system is acceptable subject to a condition or informative ensuring that Scottish Water is satisfied with the condition of the pumping station and proposed sewer system to enable Scottish Water to adopt it. Scottish Water, in a letter (email dated 12/12/2013) to the applicant's agent, has advised that the design of drainage system is acceptable in principle.

The current proposed gravity drainage system is more sustainable than the previously proposed surface water pump station (12/03574/FUL) and does not have the maintenance issues, especially the risk of failing, of the consented system.

The proposed drainage system is acceptable.

g) Sustainability

An assessment of the sustainability of the proposed buildings has already been undertaken in the previous planning application 12/03574/FUL. The buildings complied with the sustainability criteria set out in the Edinburgh Sustainable Building Standards (now superseded by the Edinburgh Urban Design Guidance).

The proposal complies with the Edinburgh Urban Design Guidance in terms of sustainability criteria.

h) Other Material considerations

Archaeology

The City's Curator of Archaeology has advised that the site formed part of a Victorian and early 20th century railway marshalling yard. As such a condition was attached to permission 12/03574/FUL for a programme of archaeological works. The initial phase of this work was an archaeological evaluation undertaken in 2013 which determined a low level of preservation due to recent landscaping works. It was concluded that no further work was required.

Therefore, given the archaeological evidence and the fact that no new significant sites are expected to be disturbed by this revised scheme, it is concluded that there are no known archaeological implications.

i) Equalities and human rights

The impact on equalities was considered in the previous planning application. The current proposal will not raise any new issues and, therefore, it is not expected that there will not be any equalities or human rights issues.

j) Public Comments

Material Representations

- The public comments raised the issues of the impact on neighbouring properties, including the impact on light, which is addressed in assessment 3.3 d, and the heights of the buildings, addressed in assessment 3.3 b.
- Clarity of the drawings was raised. The developer provided background drawings indicating how the changes in site levels would change the levels/heights of the buildings.
- The issue of the drawings and documents not being available on the Council's web site was raised. Data Management investigated and it was found that the drawings were available.

Non-material Representations

- Comments were made regarding the amount of land infill required, construction traffic, dust and dirt from the construction period. The impact on views was raised. Planning legislation and policies do not include control over construction and do not protect private views. Therefore, these issues are not material planning matters and cannot be taken into consideration.
- A representation stated that the proposed changes are unnecessary. Suggestions were made requesting the consideration of a sewage pumping station and reducing the height of the consented 9 storey buildings. Only the proposed development contained in the application can be considered, and the Council, as planning authority, has no locus in the reasons for a developer proposing a development in a particular way. Therefore, these comments cannot be taken into account.

Community Council Comments

Craigentenny and Meadowbank Community Council did not comment on this application.

CONCLUSION

The proposal complies with the development plan and the non statutory guidance. It is acceptable in this location and is of an appropriate design, scale and layout. No new overshadowing or adverse impact on daylighting will be caused and there are no privacy or overlooking issues. The matters of amenity for future occupiers, transport, access and parking, sustainability and equalities and human rights have previously been considered in planning permission 12/03574/FUL and are acceptable. There are no other material considerations that outweigh this conclusion.

Conditions and informatives as associated with 12/03574/FUL will be attached to this permission as appropriate. An informative regarding the requirement for an updated legal agreement is recommended.

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

3.4 Conditions/reasons/informatives

1. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Head of Planning and Building Standards.
2. Prior to the installation of the proposed windows a full specification of the windows including trade name, dimensions and rating shall be submitted to and approved in writing by the Head of Planning and Building Standards.
3.
 - i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, 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 Planning Authority.
 - 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 for the approval of the Planning Authority.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to ensure the adequacy of external building materials.
2. To ensure the windows meet the required sustainability standards and are an acceptable material.
3. In order to ensure the most efficient and effective rehabilitation of the site.
4. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded, covering the matters included in the legal agreement for the previous planning permission (12/03574/FUL) for this site.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.
5. 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.
6. The developer shall investigate the installation of electric vehicle charging points with reference to Making the Connection The Plug-in Vehicle Infrastructure Strategy, Office for Low Emission Vehicles (June 2011).
7. The development shall be built in accordance with the requirements and recommendations of the noise impact assessment submitted for 12/03574/FUL (Reference 0668/26/R, C Fleming, 5th October 2012. Noise mitigation measures are shown in paragraphs 9.14, 9.15 and 9.16.)
8. The developer should include nest sites for swifts.

9. Condition 3 Parts (i) a and b of planning permission 12/03574/FUL only were discharged on 2 April 2014. Part (ii) of condition 3 is required to be purified.
10. The applicant should seek confirmation that Scottish Water will adopt the drainage system, including the pumping station. Scottish Water should be satisfied with the condition of the pumping station and proposed sewer to enable their adoption.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Three letters of representation have been received, two from the same individual. They raised the following material issues:

- Principle - why is it necessary? documents imply no flooding on site in past; plans unnecessary
- Amenity - negative impact on neighbouring properties; impact on light and view
- Height - further negative impact on neighbouring properties; ground raised significantly; impact seems greater in west of site

- Drawings - shows buildings in Albion Gardens to be five or six storeys high but they are 4 storeys; will new buildings be as tall or taller than those in Albion Gardens
- Availability of documents - not available on web site
- Sewage pumping station - suggested
- Construction - tonnes of landfill; heavy goods vehicle traffic, dust, dirt, noise

Craigentinny and Meadowbank Community Council did not provide comments.

Background reading / external references

- To view details of the application go to
- Planning and Building Standards online services

Statutory Development

Plan Provision

The site is designated as a Housing Proposal site in the Edinburgh City Local Plan (HSG 4 Lochend Butterfly). There is a cycle/footpath safeguard extending from the adjacent site to the north east running to the south west of the site. The site is completely bounded by a transport safeguard.

Date registered

9 April 2014

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jackie McInnes, Planning Officer

E-mail: jackie.mcinnnes@edinburgh.gov.uk Tel: 0131 469 3731

Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

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

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 10 (Tall Buildings) sets out criteria for assessing proposals for tall buildings.

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

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

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

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

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

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

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

Policy 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.

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

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

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

NSESBA - **Non-statutory guidelines** Part A of 'The Edinburgh Standards for Sustainable Building' requires new development in Edinburgh to reduce their carbon emissions in line with the current Building Regulations

Appendix 1

Consultations

Flood Prevention

The application is satisfactory subject to the following being included as a condition or informative, as appropriate:

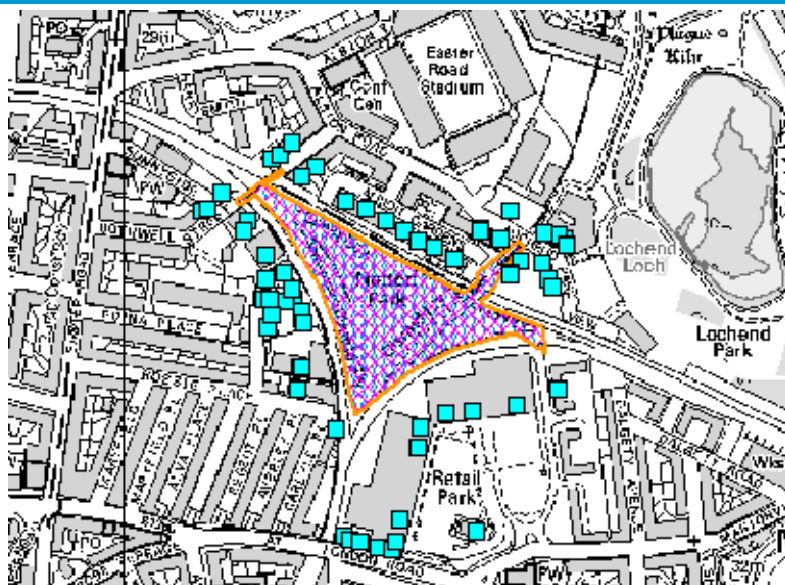
The developer must ensure that Scottish Water is satisfied with the condition of the pumping station and proposed sewer system to enable their adoption.

Archaeology comment

The site formed part of a Victorian and early 20th century railway marshalling yard. As such the area was considered to be of local archaeological importance necessitating a condition to be attached to consent 12/03574/FUL. The initial phase of this work was an archaeological Evaluation undertaken by AOC Archaeology in 2013 which determined a low level of preservation due to recent landscaping works. The scale of truncation was such that no further work was required.

Given this archaeological evidence and having assessed that no new significant sites are expected to be disturbed by this revised scheme, We have concluded that there are no known archaeological implications.

Location Plan



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