

# Development Management Sub Committee

Wednesday 19 November 2014

**Application for Planning Permission 14/00026/FUL  
At Land 30 Metres South Of 31, Groathill Road South,  
Edinburgh  
Erect 9 flats and 1 detached house on site previously used  
for housing (as amended)**

<b>Item number</b>	8.2
<b>Report number</b>	
<b>Wards</b>	A05 - Inverleith

## Summary

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The proposed erection of a 5-storey block of flatted dwellings, providing 9 properties together with a three-storey dwelling house and associated vehicular access, parking and landscaping, as amended, complies with the development plan and represent a minor and acceptable variation from the non-statutory guidelines. The character and appearance of the site and the surrounding area will be suitably maintained and matters of road safety and neighbouring amenity will not be detrimentally affected.

## Outcome of previous Committee

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This application was previously considered by Committee on 25.06.2014

This application was continued by the Committee for a site visit and to allow outstanding matters to be considered further. The application is returning to Committee for a decision now that those matters have been assessed.

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## Links

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[Policies and guidance for this application](#)

LPC, CITD1, CITD3, CITD4, CITD5, CITD6, CITD10, CITE17, CITH1, CITH2, CITH4, CITT2, CITT4, CITT6, CITT7, NSG, NSDCAH, NSGD02, NSP,

# Report

## **Application for Planning Permission 14/00026/FUL At Land 30 Metres South Of 31, Groathill Road South, Edinburgh Erect 9 flats and 1 detached house on site previously used for housing (as amended)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site extends to an area of some 0.13 hectares (0.33 acres) comprised of a roughly triangular shaped area of flat land. This was formerly the site of two pairs of two-storey, semi-detached dwelling houses and associated garage block. The site has been cleared, save for an orange coloured, shipping container positioned mid way along the eastern boundary of the site.

It is situated set below and to the north of a former railway junction, raised on embankments above the surrounding land and passing along both the eastern and western boundaries of the site. These embankment sides are covered in patchy tree and shrub cover. Both of the tracks of the former railway lines are now public footpath and cycle-paths.

Vehicular access is taken from Groathill Road South which passes the north east corner of the site. This is positioned on the outside of 90 degree corner immediately to the west of where the road passes underneath the eastern railway embankment, through a low and narrow bridge, forming a pinch-point in the road where there is no pedestrian footpaths on either side. To the east of the bridge South Groathill Road terminates in a road junction with Groathill Avenue.

To the north of the application site there are single-storey detached dwelling house facing onto the eastern side of the public road and to the west these face into a narrow, cul-de-sac access with no pedestrian footpaths. To the west of the adjoining former railway line there is a large, four-storey block of flatted properties Queens Court, providing accommodation for elderly persons. To the east of Groathill Avenue is the Craighleith major retail centre.

It is known that the site is crossed by two brick built, combined sewers each with a 10.0 metre way-leave. These sewers approach the site from both the west and south west of the site, merging together at the vehicular access of the site within the adjoining public road effectively excluding development over the central section of the application site.

## 2.2 Site History

The relevant site history is:

17 March 2006 - A planning application for the demolition of the existing four houses on site and the erection of a 5-storey block of 22 flats and ancillary works (Ref 04/04395/FUL).

16 July 2008 - Development Management Sub Committee was minded to grant planning permission for the erection of five, three-storey terraced townhouses and an attached 4-storey block of 6 flats together with private garden space, vehicular access and car parking for 11 vehicles (Ref 08/01117/FUL).

9 January 2009 - The associated legal agreement was concluded for a financial contribution towards the provision of Tramline 1 proportionate to the scale of the development, and planning permission was granted (Ref 08/01117/FUL).

23 August 2013 - From submitted details the demolition of the dwellings on the site was carried out prior to 28 August 2010. Those works constitute the carrying out of building operations and, therefore, the development of land had been initiated in terms of the provisions of Condition No 1 of the grant of planning permission (Ref 08/01117/FUL) dated 9 January 2009, as identified in section 27(1) of the Town and Country Planning (Scotland) Act 1997.

## Main report

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### 3.1 Description Of The Proposal

The revised proposal is for the erection of a total of 10 dwelling units; comprising a 5-storey block of flatted dwellings, sited within the southern part of the site, providing 8 flats over four floors and a penthouse property on the top floor and a detached three-storey, flat roofed dwelling house, located adjacent to the northern boundary. Between the two buildings is an area of car parking for 10 spaces serving the flatted properties and two spaces specifically for the detached dwelling. These are located on either side of the proposed vehicular access. The dwelling house is set within a front and rear garden space with open space on all four sides of the flatted building.

There is an enclosed bin store and secure bicycle storage structure located immediately to the eastern side of the site entrance.

The dwelling house provides a five-bedroom dwelling of 195 square metres. The flatted block provides 2 three-bedroom flats on each of the 1st four floors; one of 113 square metres and one of 87 square metres floor space. On the fifth floor there is a single, four-bedroom penthouse of 148 square metres.

The buildings are to be flat roofed with a predominant use of a white coloured polymer acrylic render with detailed panels of charcoal grey brick and timber cladding and extensive glazing and glazed balustrades to the various balcony areas on the upper floors. The revised fifth-floor elevations are to be stepped in from the lower floors and glazed so as to reduce the massing and appearance of the top floor; the overall height being reduced to 14.8 metres.

The overall design is contemporary with a vertical emphasis with windows and balconies predominantly on the southern and western elevations.

The detached dwelling house is located to a similar footprint and overall height as the previously approved scheme for the site. The difference being that the overall height is reduced from an average of 9.2 metres to a height of 8.3 metres and a reduction in width from 6.4 metres to 6.1 metres at its northern elevation.

The vehicular access is to be bounded by a 2.0 metre high stone wall with stone pillars either side of the access. Otherwise the site boundaries will be comprised of 2.3 metre high chain-link fence.

There is to be a built foot- print of 345 square metres (20.3%) and access and parking areas of 388 square metres (22.8%); leaving a private garden area of 310 square metres (18.2%) for the dwelling house and the remaining 656 square metres (38.6%) of open space for the remainder of the properties (equivalent to 56.8% of open space across the overall site).

### Previous Scheme

The original scheme proposed the erection of a 6-storey block of flatted dwellings, sited within the southern part of the site, providing 10 properties together with a three-storey flat roofed dwelling house, located adjacent to the northern boundary. The overall height of the flatted building was 17.7 metres.

### Supporting Statement

The applicant has submitted a design statement that details the planning history, the development restrictions of the site, the design principles and the wider site context.

This document is available to view on the Planning and Building Standards online services.

## **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 the proposal is acceptable in this location;
- (b) the proposed scale, form, design and materials are acceptable;

- (c) the proposals affect road safety;
- (d) the proposals will result in an unreasonable loss of neighbouring amenity;
- (e) the proposals provided sufficient amenity for the future occupiers of the development;
- (f) the proposals have any equalities or human rights impacts;
- (g) the proposals comply with sustainability criteria; and
- (h) comments raised have been addressed.

a) The Acceptability of the Proposal in this Location

Planning permission was previously granted for the erection of 11 dwelling units; comprised of five, three-storey terraced townhouses and an attached 4-storey block of 6 flats, together with private garden space, vehicular access and car parking for 11 vehicles. That application included works for the demolition of the four dwelling houses that then stood on the application site.

As the works of demolition constitute operational development, in terms of the Act, and were carried out within the time period identified in condition No 1 of that grant of planning permission, then it follows that there was a lawful commencement of development on the site within the relevant time period. Accordingly, that grant of planning permission, dated 9 January 2009, remains valid and in force at this time.

Accordingly, the principle of this form of development has been established for the site in land use terms.

Recently it has become apparent that the central section of the site is unable to be developed. There are two sewers passing through the site, west to east, each with a 10.0 metre wide way-leave.

Accordingly, the amended scheme seeks to revise the scope of the site development. This comprises a detached dwelling to the north, located on the footprint of the first in the terrace of townhouses, and a block of 5-storey flatted dwellings within the southern portion. Overall the number of units is therefore reduced from 11 to 10 dwellings.

The proposals, in principle, represent an appropriate form of redevelopment of the site. However, the development requires to be assessed in detail against the relevant policy provisions of the development plan in terms of its form, size and potential impact.

Issues have been raised with regard to instances of flooding within the site. However, the site is not located within any area that has been identified as being prone to flooding nor is the area identified as being one where new development cannot be accommodated within existing drainage infrastructure. As with any redevelopment of a site it would be a matter for the applicant, at the Building Warrant stage, to ensure that the development is suitable connected to the appropriate drainage facilities.

Consequently, the principle of development of the site has been established and the details of this proposal are required to be assessed against the remaining relevant development plan policies and associated non-statutory guidance.

b) Scale, Form and Design (Materials)

The main consideration for this proposed redevelopment of the site is the proposed height and size of the flatted building, located within the southern part of the application site. Accordingly, the overall height of the building has been reduced to a five-storey building and in visual terms effectively reduced further with the top floor elevations set back from those of the lower floors and the significant use of glazing.

The existing consent proposed a four-storey development, measuring 11.6 metres in height. This proposal is for a building of 14.8 metres in height. Although the site is below the adjoining public footpaths and cycle-paths, flanking each side of the site, the upper four storeys would be clearly visible from with the wider public areas.

In support of his proposal the applicant has drawn attention to six other buildings, located within 350 metres of the application site, which in height are between 3 metres lower than the application proposal up to 15.7 metres taller.

The closest of these is Queen's Court located on the opposite side of the former railway embankment, some 29 metres to the west of the site. Overall this is 1.6 metres lower than the proposed building, as it is located on higher land. All of the other buildings are located to the south of the site, a minimum of 160 metres distant. The Holiday Inn hotel the highest, some 15.7 metres higher than the application building and located at 350 metres distant to the south, is the furthest from the site.

Those buildings are located on either side of Queensferry Road and four are located adjacent to the former railway line and form a cluster of taller properties.

Policy Hou 10 'Tall Buildings' seeks to permit tall building only where, the building enhances the skyline and townscape, the scale is appropriate in its context and there would be no impact on important views of landmark buildings.

The revised development of the site would have no detrimental impact on any protected views, as identified in the Design Guidance.

The neighbouring properties to the north of the site, fronting onto Groathill Road South, are traditional dwelling houses of one and two storeys. However, the site relates well to the taller buildings to the west and south of the site at what is a transitional area in terms of building sizes and design.

Policy Hou 4 seeks development to be of an appropriate density on each site with regard to its characteristics and those of the surrounding area amongst others. This has been raised with regard to the relatively low level density of interwar development to the north of the site. However, the level of density, as approved, for the site would be less than that proposed in this development. Accordingly, the issue of density is of less relevance to the assessment of this application than it would otherwise have been.

The proposed design and use of materials in the facades of the building result in a contemporary form of development that is light in appearance and which breaks up those facades thereby helping to reduce the apparent height of the main building. The predominance of glazing in the south and west elevations is off-set by the predominance of light coloured polymer render to the other elevations.

As the building does not specifically face towards the neighbours to the north, but relates to taller buildings in the local area, appearance and design represents an acceptable appearance and impact on the wider character of the area.

In terms of the existing grant of planning permission for the site this proposal has a greater level of interest in its form and appearance and would stand as an appropriate and acceptable form of redevelopment for this site.

Overall the proposal represents an acceptable form of redevelopment for the site that is appropriate to the individual characteristics of the site and which would be suitably linked to the other taller buildings within the locality, without undue detriment to the more conservative forms of property immediately to the north of the site.

#### c) Road Safety Issues

The former railway line embankment, to the east of the site, forms part of the protected line of the Newhaven Road to Granton Square and on to Haymarket section of Tramline 1. However, there is now little or no prospect of this section of the route being delivered in the near future and, at the Planning Committee on 16 May 2013, it was agreed that it is no longer appropriate to continue applying the tram policy and related guidance along this section of the route.

Accordingly, there is no longer a need for a transport contribution for this part of the tram network from the development of this site.

Transport had previously considered the impact of the previous scheme of development for this site in terms of the use of the proposed vehicular access with Groathill Road South and in terms of matters of road safety with regard to any impact on the immediate local road network.

This proposal is for a smaller scale of residential development and again Transport has raised no objections to the proposal in terms of the provision of the level of on-site car parking and its impact on road safety considerations at this location.

They have requested a number of matters be included as informatives to any grant of planning permission. These relate to; the retention of a dropped kerb access, provision of secure undercover cycle parking for 10 cycles, a swept path analysis to show that the parking area works and other technical issues relating to the necessary Road Construction Consent (RCC).

Accordingly, the proposal would have no greater impact on matters of road safety within the public road network at this location.



#### d) Neighbouring Amenity

The detached three-storey townhouse is proposed to stand on the same footprint as that of the previous townhouse, No 1 of the extant 2008 scheme of development. It is slightly reduced in its height and width and as such the extent of the resultant overshadowing would also be reduced, from 38.5 square metres to 34 square metres to the neighbouring garden to the north. The previous levels of overshadowing were deemed to be acceptable as, to a large extent fell on the flat roof of the garage building within the neighbouring property.

As such the overall impact of this part of the development, on the existing levels of amenity for the occupants of the neighbouring property, will in effect be reduced from that as previously approved.

Otherwise, the block of flatted dwellings is located a sufficient distance from the site boundaries and the neighbour boundaries of any other buildings or property such that there would be no issues of overshadowing or overlooking outwith the site. Given the level of compliance with the policy and non-statutory guidance of the proposal there is no requirement here for the submission of a supporting 'sun-path' diagram.

It is proposed that the bin storage and secure cycle storage facilities are position immediately to the south of the proposed vehicular access, pedestrian access and new boundary wall. This is in a corner of the site immediately adjacent to the adjoining railway bridge abutment over the public road. As such there would be no impact either visually or in terms of overshadowing to any other neighbouring occupiers.

#### e) Amenity of Future Occupants

Overall the proposal will provide an appropriate proportionate level of soft landscaping to built footprint and hard surfacing in terms of the provisions identified in both policy and within the non-statutory guidance. The proposal also includes terraces at ground floor and balconies to each of the upper floor flatted properties. These, as with the windows will be south and west facing making the most of the available daylight within the respective properties.

The detached dwelling house has windows orientated east and west, front and rear with an area of some 314 square metres of private garden space. Although the proposal is to be located in close proximity to the south eastern and south western site boundaries its orientation to the south and west will ensure adequate levels of daylight into the ground floor properties in this instance.

Accordingly, the proposal would provide an adequate external and internal level of residential amenity for the future occupants of the proposed development.

#### f) Equalities and Human Rights Impacts

This application has no impact in terms of equalities or human rights.

## g) Sustainability Criteria

The application identifies a number of principles with regard to sustainability. The buildings have been designed to exceed the current Building Standards U values, minimising energy use in terms of lighting, water heating and space heating. The design maximises passive solar energy gain and water technology minimising carbon production in both water supply and sewerage purification. It is also intended to provide an array of photovoltaic panels concealed on the roof. These will be integrated with battery storage and feeding-in switch to assist with lighting and heating, especially communal areas.

These proposals comply with the necessary standards for a development of this size with regard to the provisions of policy Hou 6 and the Design Guidance.

## h) Public Comments

### **Material Representations in Objection**

- inadequate site drainage - assessed in section 3.3(a) and found that this would be a Building Warrant matter to ensure that there would be a suitable drainage connection.
- sewer way-leaves does not justify the proposed development - assessed in section 3.3(a) and found that subject to a full assessment of the details of the proposal that it was acceptable in principle at this site.  
previous permission has lapsed and cannot justify this application - assessed in section 3.3(a) and found that the previous grant of planning permission remains extant and valid for development of the site.
- loss of an existing 'green lung'/recreational use - assessed in section 3.3(a) and found the site is not allocated for retention as open space and that, even if it were, the extant grant of planning permission would override such provision.
- maintain existing 'woodland setting' - assessed in section 3.3(a) and found the site is not allocated for retention as open space and that, even if it were, the extant grant of planning permission would override such provision.
- the building is too tall, of unsympathetic design and would dominate the street - assessed in section 3.3(b) and found that it would suitably link with the existing taller buildings within the locality of a form and design that would be appropriate as a form of redevelopment of the site.
- development will impact on the adjacent public walkways amenity - assessed in section 3.3(b) and found that the relationship between the development and its surroundings would be appropriate and acceptable in policy terms.
- other nearby tall buildings have less impact than the proposal - assessed in section 3.3(b) and found that it would not have a detrimental impact on protected views, would link well with the existing taller building in the locality and be appropriate for this transitional site.
- modern design does not fit into the surroundings - assessed in section 3.3(b) and found the form, design and materials would result in an appropriate and acceptable form of redevelopment of the application site.
- proposed materials are not in keeping - assessed in section 3.3(b) and found that the materials are appropriate with regard to the extant planning permission for the site and in relationship to the development as proposed.

- inadequate on-site parking with impact on Groathill Road South - assessed in section 3.3(c) and found that the proposal identifies adequate levels of on-site car parking.
- detrimental impact of additional traffic volume on the public road - assessed in section 3.3(c) and found that there would be no detrimental impact on matters of road safety.
- junction at a corner with limited visibility and no footways - assessed in section 3.3(c) and found that the use of the exiting vehicular access with the public road, as upgraded, would be acceptable and appropriate for the proposed level of development.
- change of character to the area and cause a loss of privacy - assessed in section 3.3(d) and found that there would be no detrimental loss of privacy as a result of the proposal.
- townhouse will overshadow neighbouring gardens - assessed in section 3.3(d) and found the level of overshadowing would be less than that of the extant grant of planning permission.
- waste bin location of will impact on neighbours - assessed in section 3.3(d) and found that this element of the proposals would have no detrimental impact on any neighbouring property.
- a supporting 'sun-path' diagram should be submitted - assessed in section 3.3(d) and found that the proposals complied with policy and there was no requirement for any additional supporting information.
- inadequate levels of daylight to ground floor flats - assessed in section 3.3(e) and found to be acceptable in policy terms; and
- restricted area of external landscaping - assessed in section 3.3(e) and found to be acceptable in policy terms.

### **Non-material Representations**

- loss of view over the site - is not a material land use planning issue as it is based on the amenity of one landowner taking a level of amenity over the land of another to the exclusion of their other rights in the property.
- development impinging on building restrictions of underground sewers - is a private legal matter between the site owner and the owner of the sewer as regards title and land law.
- development may have potential drainage problems - this would be a matter for resolution by the landowner through the Building Warrant process.

### **Craigeith/Blackhall Council Comments**

Craigeith/Blackhall Community Council responded on 17 February 2014.

- issues of flooding and appropriate mitigation measures - assessed in section 3.3(a) and found that this would be a Building Warrant matter to ensure that there would be a suitable drainage connection.
- the building is too tall, of unsympathetic design and would dominate the street - assessed in section 3.3(b) and found that it would suitably link with the existing taller buildings within the locality of a form and design that would be appropriate as a form of redevelopment of the site.

- contrary to policy Hou 4 regarding appropriate levels of density for the site - assessed in section 3.3(b) and found that the level of density, as approved, for the site would be less than that proposed in this development.
- junction at a corner with limited visibility and no footways - assessed in section 3.3(c) and found that the use of the exiting vehicular access with the public road, as upgraded, would be acceptable and appropriate for the proposed level of development.
- detrimental impact of additional traffic volume on the public road - assessed in section 3.3(c) and found that there would be no detrimental impact on matters of road safety.
- road safety problems should be subject of a condition or legal agreement - assessed in section 3.3(c) and found that there would be no detrimental impact on matters of road safety and therefore no requirement for a legal agreement or condition.
- junction at a corner with limited visibility and no footways - assessed in section 3.3(c) and found that the use of the exiting vehicular access with the public road, as upgraded, would be acceptable and appropriate for the proposed level of development.
- detrimental impact of additional traffic volume on the public road - assessed in section 3.3(c) and found that there would be no detrimental impact on matters of road safety.
- road safety problems should be subject of a condition or legal agreement - assessed in section 3.3(c) and found that there would be no detrimental impact on matters of road safety and therefore no requirement for a legal agreement or condition.

## CONCLUSIONS

In conclusion the revised proposals comply with the development plan and represent a minor and acceptable variation from the non-statutory guidelines, preserve the character and appearance of the site and the surrounding area and would not prejudice road safety or residential amenity. There are no material considerations which outweigh this conclusion.

### **Addendum to Assessment**

The application was considered at the Development Management Sub-Committee on 25 June 2014.

Committee continued the application to enable a Members site visit and for the Acting Head of Planning and Building Standards to request the applicant to provide further information on matters of:

- carrying out a flooding assessment;
- road safety implications for pedestrians on the public road where it passes through the adjoining bridge; and
- the possibility of moving the development away from the boundary so as to reduce overshadowing.

Additional information has been received that seeks to address these issues.

- In terms of a flooding assessment:

A flood risk assessment has now been undertaken for the site and the results submitted as part of the revised application. Following a meeting with the Council's Bridges and Flood Prevention Unit, the applicant has submitted additional documents and made revisions to the proposed plans.

The Council's Bridges and Flood Prevention Unit has raised no objection to the proposal subject to conditions to ensure that; the one-metre wayleave should be provided between the building and the edge of the brick culvert; and that the proposed revised site discharge should be approved by Scottish Water or, if this acceptance cannot be reached with the revised discharge rate, then greater levels of attenuation will be required on site. Further an informative should be included regarding the future maintenance of the attenuation tanks.

The wayleave has been provided within the revised plan, 'proposed site plan and flatted building floor plans' (drawing Ref: 3/03 rev B) plan No 17. As such there is no requirement for this provision to be the subject of planning condition.

The requirement of the applicant to conclude a 'Diversion Impact Assessment' with Scottish Water is a separate provision controlled under other legislation. If the developer is unable to conclude an agreement with Scottish Water then the development would be unable to proceed. As such this matter should not be controlled under the planning regulations.

The requirement for the satisfactory conclusion of the agreement with Scottish Water and the future maintenance responsibility for the attenuation tanks would be appropriate to include as informatives.

- In terms of road safety implications:

The proposal utilises a previously developed site and the lack of a pedestrian footway within the public road, in the vicinity of the bridge, is not a matter that such a small-scale application could reasonably be expected to address. Within an existing urban area the site would generate a negligible amount of additional traffic and the suggestion of the need for a legal agreement is considered disproportionate to the scale of development proposed.

The applicant has identified that there are existing proposals, by City of Edinburgh Council, to apply 'double yellow' lines within the adjoining carriageway in the vicinity of the application site.

He also notes that Transport raised no issues or concerns as part of their consultation response on this matter and believes that the Council's own proposed actions would satisfy the road safety concerns that have been raised.

- In terms of relocating the development:

The 'Townhouse', adjacent to the northern boundary of the site, has been requested to be repositioned away from that boundary, thereby reducing the overshadowing impact on the neighbouring garden.

The applicant has revised the application such that it identifies the 'Townhouse' as being no closer to the northern boundary than 2.0 metres. That repositioning would result in the level of overshadowing, to the neighbouring property, to an area of 26 square metres; a further reduction of 8 square metres from that originally proposed and 12.5 square metres from that resulting from the existing grant of planning permission.

Having considered the proposed repositioning the neighbour has confirmed that the 'Townhouse' building would have a significant detrimental impact on the lighting and shadowing of their property.

In planning terms the impact of the revised development, on the existing levels of amenity for the occupants of the neighbouring property, would in effect be further reduced from that as originally granted by 32%, and from that originally identified in this application by 24%.

Overall, the revised proposals overcome the concerns of flood risk and would represent an improved scheme of development from that original reported to Committee on 25 June 2014.

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

### **3.4 Conditions/reasons/informatives**

1. 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.
2. Prior to the commencement of any development on the site, full details of a 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.

3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

**Reasons:-**

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that the approved landscaping works are properly established on site.

**Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for Road Construction Consent.
5. Parking spaces in this development must be included in the Road Construction Consent (RCC) application as they form part of the road. Regardless of whether the RCC is ultimately presented for adoption on the councils list of public roads use of these spaces can only be controlled by the council as local roads authority. No signs implying otherwise should be erected and the developer should be advised against including any of this road space in the title deeds on individual properties.
6. At his first opportunity the applicant should provide a 'swept-path diagram' to the Council, as the Planning Authority, to demonstrate that a vehicle can enter and exit the parking area in forward gear, in the interests of road safety.
7. The proposed vehicular access to be by means of a dropped-kerb and not a bell-mouth opening.

8. Secure and undercover parking for 10 No. cycles to be provided at a suitable location within or adjacent to the building; the location, type and layout to be submitted to and approved in writing by the Head of Planning and Building Standards.
9. Prior to the development of the site the landowner shall first enter into a 'Diversion Impact Assessment' with Scottish Water. If this agreement cannot be reached then greater levels of attenuation will be required on site. As a result a new planning application would be required for the development.
10. In the event that the proposed attenuation tanks are not adopted by Scottish Water then the future maintenance of the tanks will be the responsibility of landowner or their factor.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was neighbour notified on 27 January 2014 and attracted 17 letters of representation; 15 of objection and 2 are neither objecting to nor supporting the proposal. These included comments from Craighleith/Blackhall Community Council.



The revised scheme was neighbour notified on 23 May 2014 and attracted 6 letters of representation; all 6 continue to object to the revised scheme, from 5 neighbours and Craigleith/Blackhall Community Council.

The points made in those responses are:

### **Material Representations in Objection**

- existing drains regularly fail to cope with heavy rainfall the development will add to this problem
- the existence of the two sewers on the site does not justify the extent of the proposed development
- previous permission on the site has lapsed and that approval cannot justify the present proposals
- loss of an existing 'green lung' and alternative recreational use
- the existing 'woodland setting' should be maintained
- the building is too tall, of an unsympathetic design and would dominate the street
- the flatted development will impact on the amenity of the adjacent public walkways
- other multi-storey buildings in the area do not have the same impact of the proposal
- design is modern and would not fit with the surroundings
- proposed materials are not in keeping
- inadequate parking on site with impact on parking in Groathill Road South
- additional traffic volume will impact on the public road
- the junction is at a corner where it is difficult to see on-coming traffic and there are no footways under the adjacent bridge
- it would change the areas character and cause a loss of privacy
- three-storey townhouse will overshadow neighbouring gardens
- the proposed location of waste bins will impact on neighbours
- a 'sun-path' diagram should be submitted in support of the application
- the ground floor of the flats would not achieve the necessary natural daylight
- the area of external landscaping is very restricted

The points made in those revised responses raise the following additional issues:

- the revisions do not overcome the original objections

### **Non-material Representations**

- loss of view over the site
- development impinging on building restrictions of underground sewers
- development may have potential drainage problems

### **Craigleith/Blackhall Council Comments**

Craigleith/Blackhall Community Council responded on 17 February 2014.

- welcomes the reuse and redevelopment of the vacant site for residential use
- the site is subject to flooding and it is not apparent that this has been addressed through appropriate mitigation measures

- at 6 storeys high the proposal is too high for this location where nearby dwellings are 1 1/2-storeys
- the proposal is contrary to policy Hou 4 which seeks an appropriate density for each site
- preference would be for a maximum height of 4-storeys
- the access is at a blind bend, close to a narrow bridge where there is no footpath
- this is a dangerous spot and the access will add to that danger
- these road safety problems should be addressed through a condition or legal agreement

The revised response raises the following:

- the revisions go a long way to addressing the concern of scale and height
- otherwise the original objections remain

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

## **Background reading/external references**

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

### **Statutory Development**

#### **Plan Provision**

**Edinburgh City Local Plan - Urban Area.**

#### **Date registered**

20 January 2014

#### **Drawing numbers/Scheme**

01-03 + 06-09,

Scheme 2

## **David R. Leslie**

Acting Head of Planning and Building Standards

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## **Links - Policies**

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

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

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

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

### **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** 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 'PARKING STANDARDS' set the requirements for parking provision in developments.

# Appendix 1

## **Application for Planning Permission 14/00026/FUL At Land 30 Metres South Of 31, Groathill Road South, Edinburgh Erect 9 flats and 1 detached house on site previously used for housing (as amended)**

### **Consultations**

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#### **Environmental Assessment**

*The application proposes to erect residential properties on a cleared brown-field site. Cycle paths bound the site to the west and east with residential properties to the north.*

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

*Prior to the commencement of construction works on site:*

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

*(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.*

#### **Transport**

*Has no objections to the proposed planning application subject to the following being included as conditions or informatives as considered appropriate:*

*1. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent.  
2. 'Parking spaces in this development must be included in the RCC application as they form part of the road. Regardless of whether the RCC is ultimately presented for adoption on the councils list of public roads use of these spaces can only be controlled by the council as local roads authority. No signs implying otherwise should be erected and the developer should be advised against including any of this road space in the title deeds on individual properties';*

3. *The applicant should provide a swept-path diagram to demonstrate that a vehicle can enter and exit the parking area in forward gear, in the interests of road safety.*
4. *The proposed vehicular access to be by means of a dropped kerb and not bellmouth opening.*
5. *Secure and undercover parking for 10 No. cycles to be provided at a suitable location within or adjacent to the building; the location, type and layout to be to the satisfaction of the Director of Services for Communities.*

## **Affordable Housing**

*This application is for the erection of 11 homes consisting of 10 apartments and 1 detached house.*

*The AHP requires that homes of approved affordable tenures are provided on sites consisting of 12 or more residential units. Therefore this department can confirm that the AHP does not apply in this case.*

## **Bridges and Flood Prevention Unit**

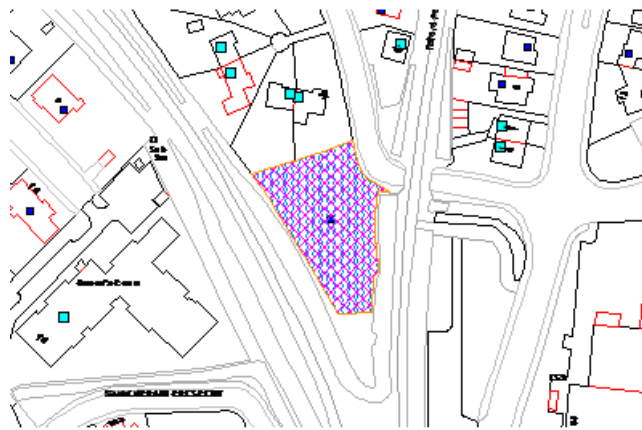
*It should be noted that due diligence is on the applicant, the Council's Flood Unit does not have sufficient resources to check all calculations presented. Therefore, the revised design and calculations have been screened, in light of our previous meeting, and the following comments are made:*

1. *A one-metre wayleave should be provided between the building and the edge of the brick culvert (extending between co-ordinates E322351.007 N674670.459 and E322362.419 N674675.659) as per drawing (Ref 3/03 rev B).*
2. *The outflow from the filtration trenches are now discharging to the attenuation storage.*
3. *Discharge rates from the site have increased from 0.8 litres per second to 2.7 litres per second, this being due to the calculated minimal discharge rate through a 75mm diameter hydrobrake.*
4. *A 20% climate change increase has been applied.*
5. *The pipelines are under surcharged conditions but not at flood risk.*
6. *The increase in discharge has not yet had approval from Scottish Water. Please could you remind me of the original discharge (if any to SW assets)? Or what previous agreement had been reached when the pipes were to be relocated? It should be noted that although it was agreed that an acceptance from Scottish Water can be placed as a condition, if this acceptance cannot be reached with the revised discharge rate then more attenuation will be required on site. Failure from any acceptance from Scottish Water would then indicate that the site cannot be developed unless an alternative surface water discharge system is proposed.*
7. *It is assumed that the proposed attenuation tanks will not be adopted by Scottish Water and, therefore, the maintenance of the tanks will be at the discretion of any factor. This should be placed on as an informative onto the planning application.*

*Therefore, in acceptance to the above conditions and informatives this unit has no further comment with regard to this planning application.*

## Location Plan

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