

Development Management Sub Committee

Wednesday 14 January 2015

Application for Planning Permission 14/02232/FUL At Land Adjacent To 36, Morrison Crescent, Edinburgh Erection of 19 affordable residential units

Item number	5.2
Report number	
Wards	A11 - City Centre

Summary

The proposals do not comply with the Edinburgh City Local Plan and the relevant non statutory guidance. The proposed development would, by reason of its siting and height, result in an unacceptable loss of amenity to those neighbouring residents. In addition there would be an unacceptable level of amenity to the occupiers of the development.

Outcome of previous Committee

This application was previously considered by Committee on 17.12.2014.

Reasons for Refusal - This application was recommended for approval. The Committee decided to refuse the application and it is returning to Committee to agree the reasons for refusal as set out in the addendum in section 3 of the report.

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD10, CITE8, CITE9, CITE12, CITE18, CITH1, CITH2, CITH3, CITH4, CITH7, CITH8, CITOS1, CITOS3, CITT4, CITT5, CITT6, CITT13, CITI6, CITCA1, NSG, NSGD02, NSP, NSMDV, OTH, DBFOUN,

Report

Application for Planning Permission 14/02232/FUL At Land Adjacent To 36, Morrison Crescent, Edinburgh Erection of 19 affordable residential units

Recommendations

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

Background

2.1 Site description

The site forms part of the approved masterplan for the redundant brewery which lies on the north side of Fountainbridge, now known as Springside (formerly known as Fountain North).

This particular part of the site lies to the north of the former brewery site on the north side of the West Approach Road and covers approximately 0.699 hectares. It is located to the west of the housing development at Morrison Crescent (managed by the applicants Dunedin Canmore Housing). There is tenemental accommodation in Caledonian Crescent to the north west. The West Approach Road lies to the south with Springside beyond. The site is currently grassed over and has a row of lime trees and beech hedging running parallel with the West Approach Road.

The site is accessed via Morrison Crescent.

2.2 Site History

3 November 2004 - The Fountainbridge Development Brief was approved.

1 December 2005 - An amendment to the Fountainbridge Development Brief was approved.

6 December 2006 - Outline planning permission was granted for a mixed use development on a brownfield site (application reference - 05/00106/OUT). That application also included the larger Fountain North site that sits immediately to the south-east of the current application site.

29 May 2008 - An application for 28 flats designated for 'shared equity' - affordable block as part of Springside Development was withdrawn (application reference - 08/00853/FUL).

12 November 2008 - Minded to refuse planning permission for 26 Flats designated for 'shared equity' - affordable block as part of Springside development (application reference - 08/01890/REM).

25 March 2009 - An appeal against the non-determination of the above application was dismissed (appeal reference - P/PPA/230/1043). The appeal was dismissed on design and privacy grounds.

Main report

3.1 Description Of The Proposal

The application is for a five storey building, extending to six storeys in part, accommodating 19, one and two bedroom, shared equity flats. The proposed building largely follows the footprint of that approved in outline (ref 05/00106/OUT) and sits on the building line with the adjacent block at 36 Morrison Crescent. It will also sit below the height of the outline approval. The building is of contemporary design, taking reference from the design concept of the adjacent Inglis Point building at the north end of Melvin Walk. The building will be finished in a facing brick Rothesay blend from the "Springside" palette. The windows will be timber with aluminium cladding and there will be galvanised railings to 'Juliet' balconies. The flat roof will be finished in a 'Sarnafil' single ply roofing system. The design incorporates recessed/'carved' detailing on the upper levels and at the ground floor entrance on the south facing elevation. These areas will be clad in timber.

All flats are dual aspect and all have access to a small communal space to the rear. There will be communal lawned area of limited size to the front and to the west side of the site. The proposals include a connection to the proposed cycleway/pedestrian footpath via the reconfigured car parking area. The car parking area will accommodate 7 spaces and 2 City Car Club spaces.

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Supporting Planning Statement
- Design Statement (Conceptual Visualisation and Design reference)
- Flood Risk Assessment and Drainage Strategy
- Contaminated Land Genetic Quantitative Risk assessment
- Soil Investigation Report
- Sustainability Statement

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 proposal is acceptable in principle;
- b) the proposal complies with the Fountainbridge Masterplan;
- c) the proposed scale, design and materials are acceptable;
- d) the proposed development will not have an adverse impact on existing residential amenity;
- e) the proposal will afford a satisfactory level of amenity for future residents;
- f) the proposal raises any road or pedestrian safety implications;
- g) the proposal complies with the requirements of the Public Realm Strategy;
- h) the proposals meet the Council's requirements in terms of sustainability;
- i) any impacts on equalities or human rights are acceptable; and
- j) comments raised have been addressed.

a) Principle

The site lies within the Urban Area of the Edinburgh City Local Plan and was the subject of an application for Outline Planning Permission (Planning Permission in Principle) which was granted consent on 6 December 2006. This part of the Fountain North site was originally identified in this consent for affordable housing as part of the overall requirement for the approved masterplan area.

The principle has therefore already been established.

b) Fountainbridge Masterplan

One of the aims of the Fountainbridge Masterplan is to enhance the West Approach Road by creating a boulevard by setting back the building line and promoting urban realm improvements. The urbanisation and "calming" of the West Approach Road through development which positively addresses the road and encourages pedestrian activity is a major objective of the development brief. The Brief identifies the site as an opportunity to introduce a focus building.

The application site is a small yet undeveloped area of land on the north side of the West Approach Road. The principle of the proposed building on this site, including its siting/footprint and height was approved at the Outline (PPP) stage (05/00106/OUT). The proposed building has been sited on the approved footprint which allows for an area of green space to be retained to the front (south) and side (west), providing a buffer to the West Approach Road. Provision has been made for a combined cycleway and pedestrian footpath along the West Approach boundary and pedestrian and cycle access through the site improves links between Fountainbridge and Haymarket.

The building will provide a termination to the development of Morrison Crescent and the adjacent Dunedin Canmore Housing Association block and creates a strong visual link to the new buildings at Springside.

The building will deliver an element of the affordable housing provision required through the legal agreement of the outline planning application.

It is considered that the proposal satisfies the objectives of the Fountainbridge Masterplan.

c) Scale, Design and Materials

The proposed building has been designed within the parameters approved in the outline planning application. It takes reference from the design principles of the recently completed Springside development on the south side of the West Approach Road, in particular the building known as Inglis Point. The maximum height will sit below that approved for the development plots on the Fountain North site across the road, on the southern side of the West Approach Road. The building extends to five storeys with only a small element to the south west rising to six storeys. This creates an appropriate transition between the proposed building and the four storey traditional tenements to the north and the six storey new buildings consented across the road at Springside. The varying roof heights help to reduce the overall impact of the building and provides a bold gable end elevation when viewed from the principal approach from the west.

The proposed materials reflect the palette of materials used throughout the wider Springside site and will therefore suitably integrate with the surrounding developments.

It is considered that the design, scale and materials of the development are acceptable.

d) Neighbouring Residential Amenity

The siting and height of the proposed development were approved when the outline consent (05/00106/OUT) was granted. The proposal will breach the Council's non statutory guidelines in that it will sit just over 5 metres from the northern boundary of the site. However, the proposed building is sited further from this boundary than the footprint approved in the outline application, which was only 3.5 metres from the boundary. This was considered acceptable as it was in keeping with the historic urban pattern of the area. Only a small portion to the north east of the proposed building will breach the 18 metres privacy distance and it should be noted there will be no windows within this part of the building. The footprint approved at the outline consent stage sat much closer to this boundary than this proposal and did not satisfy the 18 metre privacy distance at any point. The orientation of the proposed north facing windows is such that the closest rear facing windows will be sited at a minimum of 18 metres window to window distance which satisfies the privacy distance requirement. The ground floor windows will be screened by the 2.2 metre high existing stone wall. The east, west and south facing windows will not affect residential amenity.

All flats will be accessed by the main entrance located on the south facing elevation, away from the nearest residential properties to the north on Caledonian Crescent. The proposed rear deck access from the previous scheme which was of concern to local residents given the potential for both overlooking and loss of privacy and noise and disturbance from those accessing the flats has been omitted from this scheme. It is considered that the proposed new building will buffer the tenement from the West Approach Road and that the impact on the existing level of amenity will be minimal.

The applicant has carried out a Daylight and Sunlight Study to assess the impact of the proposed development upon the existing tenement at Caledonian Crescent. The study has assessed the impact of the proposal upon 47 windows of the existing Caledonian Crescent tenement. The findings show that of the 47 window positions analysed, 36 window positions retain an acceptable level of daylighting - either 27% above Vertical Sky Component (VSC) or experience a reduction that remains above the threshold of 80% of the existing VSC. The reduction in light (the VSC) experienced by the 11 remaining windows is less than 32% of the original value and as such is considered a moderate failure.

An assessment of sunlight availability has also been carried out. This concluded that almost 90% of windows considered will still receive more than the expected level of sunlight.

The proposed building sits within the envelope approved at outline stage and forms part of the overall design for the wider Fountain North (Springside) site. The masterplan layout takes account of the existing urban context where it is recognised that achieving daylighting standards is difficult. These standards are more likely to be achieved in lower density, more suburban developments. The proposed development will result in a reduction in the existing levels of daylight and sunlight to the adjacent properties, and as such does not fully comply with the standards as set down by the approved Design Guidance. However, this loss is moderate and is not considered significant enough to warrant refusal of the application given the context of the site.

It should be noted that loss of daylight was not an issue when the previous application was dismissed at appeal - the main issues being overlooking and loss of privacy and design, which have now both been addressed.

In conclusion, it is considered that the proposal will not have a significant detrimental impact on the amenity of neighbouring residents.

e) Amenity for Future Residents

The proposed design has taken account of the standards as set down in the Council's approved Design Guidance in terms of ensuring a satisfactory level of amenity is achieved within all new residential units. All new flats, which are either one or two bedroom, are dual aspect and are orientated to ensure that adequate levels of daylight are provided in accordance with the approved standards. Satisfactory levels of privacy will also be achieved. Notwithstanding, three of the one bed flats are marginally smaller (1 square metre) than that recommended in the guidelines, but given the above, it is considered that all units are reasonably proportioned and provide appropriate levels of living accommodation.

The location on this small constrained site has resulted in limited amenity space for future occupants. The proposal does include a small area of soft landscaping/amenity space to the front (south) and side (west) which provides a buffer to the front of the building. The proposal will result in the loss of a row of lime trees and beech trees on this part of the site. This was determined at the outline application stage. The proposal, however, includes the planting of a beech hedge along the south perimeter of the site to provide a level of screening for ground floor properties and which will define public and private space. The site connects into the new footpath network via the new pedestrian crossing to the southern side of the West Approach Road at its junction with Melvin Walk. This links the site with the new areas of public open space provided within the new development area and the adjacent pocket park between Morrison Crescent and Caledonian Crescent.

Environmental Services has concerns regarding air quality. The applicants have submitted an air quality statement which concludes that the air quality at ground floor level is likely to exceed satisfactory levels. Mitigation measures have been proposed which include restricting the amount of car parking and the installation of a mechanical ventilation system.

Environmental Services recommend refusal of the application on the grounds that the development contravenes the Parking Standards which will result in future occupiers of the site being exposed to unacceptable levels of pollution. The level of car parking, is acceptable in terms of the standards (see below). Provision on the site will in fact be increased by only three spaces despite nine being proposed. The existing eight spaces will be replaced by seven and two City Car Club spaces. It is not considered that an additional three spaces will significantly impact on air quality. It is recommended that if the application is approved, an informative is included to encourage the applicant to liaise directly with the Council to monitor air quality to ensure that appropriate action can be taken should it be demonstrated that levels exceed unacceptable levels.

Although control cannot be exercised over a mechanical ventilation system, an informative should also be included on any consent to encourage the applicants implement these measures.

In summary it is considered that the proposals will afford a satisfactory level of living accommodation for future residents within this city centre location.

f) Road and Pedestrian Safety

Transport has raised no objection to the proposal. Adequate car parking provision is made within the site (7 spaces and 2 City car Club spaces) with additional car parking within the wider area adjacent to Morrison Crescent and which is mostly within the control of the applicant Dunedin/Canmore Housing Association. The two City Car Club spaces, will come within the control of the Council and therefore their allocation to the development will be controlled.

Provision has been made for a combined cycle way and footpath along the West approach boundary and the proposed access will connect the site with the wider masterplan area in accordance with the approved Public Realm Strategy.

Cycle parking will be accommodated within the development, the details to be agreed by condition. The necessary Tram contribution was sought through the outline planning application and a legal agreement was made. It is recommended this is either amended or a new agreement formed.

g) Public Realm Strategy

The proposal has been designed to connect into the Public Realm Strategy for the wider Fountainbridge Area. Provision for a pedestrian and cycle pathway will be retained, running along the edge of the site with connecting links through the reconfigured car park. New planting will green up the southern edge of the development along the West Approach Road. The proposal will link the site with the wider Springside site via the new pedestrian crossing on the West Approach Road.

The application includes the provision for a bin store. This is well screened and will not affect the surrounding residential amenity or impact upon the objectives of the Public Realm Strategy.

h) Sustainability

The applicants have submitted a sustainability statement form detailing the design approach to ensure compliance with the necessary carbon reduction requirement. This will be achieved through the use of solar panels. All the units are designed for affordable use and meet the requirements under the provisions of the Affordable Housing Policy.

In summary, the proposal complies with the requirements of the Edinburgh Design Guidance in respect of sustainability.

i) Equalities and Human Rights

The proposed development will create an environment where public spaces can be used safely and securely. The proposals will offer a good standard of living with access to transport and public places including green spaces. The proposals will have a positive impact in respect of rights.

The site is accessible for people with mobility issues. The proposals are for affordable housing to assist those who cannot access traditional housing markets. The proposals will have a positive impact in respect of equalities.

In summary, the proposals will have a positive impact in respect of equalities and rights.

j) Representations

Material representations

Issues relating to the principle of development

- Contrary to the local plan;

- Not in accordance with the outline planning consent.

These issues have been assessed in section 3.3(a).

Issues relating to scale, design and materials:

- Inappropriate design, appearance and materials;
- Inappropriate layout and density of building;
- Not in keeping with surrounding properties on Morrison and Caledonian Crescent/out of context;
- Too high;
- Detrimental to visual amenity.

These issues have been assessed in section 3.3(c).

Issues relating to neighbouring residential amenity:

- Loss of light or overshadowing;
- Overlooking/loss of privacy;
- Noise and disturbance resulting from use;
- Hazardous materials;
- Smells.

These issues have been assessed in section 3.3(d).

Issues relating to road and pedestrian safety:

- Road access and highway safety;
- Will generate traffic;
- Insufficient parking.

These issues have been assessed in section 3.3(f).

Issues relating to the Public Realm:

- Loss of trees;
- Landscaping;
- Nature conservation;
- Loss of green space.

These issues have been assessed in section 3.3(g).

Issues relating to sustainability:

- Solar panels.

These issues have been assessed in section 3.3(h).

Issues relating to general matters:

- Lack of public consultation.

There is no statutory requirement for a public consultation exercise for a development of this scale.

Non material representations

- Loss of property value;
- The loss of a view;
- Personal morals.

Conclusion

In conclusion the proposed affordable housing development is acceptable in this location. The scale accords with that approved at the outline planning stage and the design and materials are in keeping with the wider Springside (Fountain North) site. The development provides a satisfactory level of amenity for future residents. Despite there being a breach of the approved guidelines, it is considered that the impact on neighbouring residential amenity is not sufficient to refuse the application. It will not introduce any adverse traffic or road safety implications. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application subject to conditions requiring details on materials and site investigations.

The Section 75 Agreement in respect of the outline planning permission (concluded on 24 November 2006) was discharged and replaced with an amended version (17 April 2013) with alternative obligations to take account of the losses incurred by the developers. The new agreement requires the delivery of a minimum of 16 affordable units on this site and the payment of developer contributions based solely on any net profit above 15%. This application for 19 affordable housing units partially satisfies the requirements of clause 2.1 of this agreement in respect of affordable housing.

Any consent granted for this site will also have to be subject to either a separate legal agreement or amendment to the existing legal agreement to ensure the agreed level of developer contributions is paid and in relation to any required transport infrastructure.

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

Addendum to Assessment

The application was considered by the Development Management Sub-Committee on 17 December 2014 and the Committee determined to refuse planning permission. The application is returning to Committee to agree the reasons for refusal.

Committee was concerned that the proposed development would, by reason of its siting and height, overshadow the adjacent properties at Caledonian Crescent resulting in an unacceptable loss of amenity to those neighbouring residents.

Committee was also concerned that the proposed development would, given its siting and proximity to the West Approach Road, be exposed to an unacceptable level of poor air quality to the detriment of the amenity of future occupiers of the development.

Committee indicated it was minded to refuse the application and continued the application for the reasons for refusal to be drafted.

The suggested reasons for refusal are:

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 3 in respect of Development Design, and the supplementary non-statutory Edinburgh Design Guidance as it would, by virtue of its siting and height, result in an unacceptable level of overshadowing to the detriment of neighbouring residential amenity.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 18 in respect of Pollution and Air, Water and Soil Quantity as, by virtue of its siting and its proximity to the West Approach Road, future occupiers would be exposed to unacceptable levels of poor air quality to the detriment of their amenity.

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning and Building Standards prior to work commencing on site;
Note: samples of the materials may be required.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) 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.

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.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

Informatives

It should be noted that:

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

The provision of two City Car Club Spaces and the cost of the associated Traffic Regulation Order, estimated at £2,500, and any other TRO costs required as a consequence of the development.

5. Provision should be made for vehicle charging outlets. Charging outlets should be of the following standard:

Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.

6. The strategy regarding the alternative means of ventilation should include details of the mechanical ventilation system, how long-term maintenance will be ensured (including responsibility for the funding of this maintenance), how future occupants will be informed of system and its purpose and the justification and location of the air intake point.
7. SEPA regulatory requirements and good practice advice can be found on SEPA's web site www.sepa.org.uk/planning.aspx.
8. CEC Flood Prevention requests the applicant provides an updated version of their surface water management plan for the proposed development, including all updated discussions, calculations and drawings which have been submitted to support the application. This will ensure all the agreed parameters of the drainage system are contained in a single document for ease of reference.

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 is not subject to 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

The application was advertised on 20 June 2014. 15 letters of objection have been received, including a letter from Sarah Boyack MSP on behalf of two of her constituents, and 4 petitions with a total of 93 signatures.

The following material issues have been raised:

- Contrary to the local plan.
- Not in accordance with the outline planning consent.
- Inappropriate design, appearance and materials.
- Loss of light and overshadowing.
- Overlooking/loss of privacy.
- Loss of biodiversity.
- Proposed use will introduce, smells, noise and disturbance.

- Increase in traffic and highway safety.
- Insufficient parking.
- Hazardous materials.
- Lack of public consultation.

Non material issues raised:

- Loss of property value.
- The loss of a view.
- Personal morals.

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

Background reading/external references

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

**Statutory Development
Plan Provision**

The application site is identified in the Edinburgh City Local Plan as part of a wider development proposal for Fountainbridge (CA 3). The site is on land safeguarded for cycleway and footpath.

Date registered

4 June 2014

Drawing numbers/Scheme

01 - 17,

Scheme 1

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

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

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

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

Policy 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 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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

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

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

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

Policy Tra 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.

Policy Inf 6 (Water & Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Policy Ca 1 (Central Area) sets criteria for assessing development in the Central Area.

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

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

Other Relevant policy guidance

The Fountainbridge Development Brief sets out planning and design principles intended to establish a comprehensive townscape and infrastructure framework for the Fountainbridge area.

Appendix 1

Application for Planning Permission 14/02232/FUL At Land Adjacent To 36, Morrison Crescent, Edinburgh Erection of 19 affordable residential units

Consultations

Archaeology

Historic maps show the site overlying railway lines forming part of the Victorian Caledonian Railway system leading into Edinburgh and the adjacent Haymarket goods yards. Given the likely disturbance caused by the railway construction and subsequent decommissioning it is considered unlikely that significant archaeological remains will have survived insitu.

Accordingly it is considered that there are no known archaeological implications regarding this proposal.

Transport - amended response dated 2/12/14

I have no objection to the application subject to the following condition being applied:-

Prior to the issuing of consent the applicant to enter into a suitable legal agreement to make provision for the following:

Provide two City Car Club Spaces. These spaces will require a Traffic Regulation Order. The developer will fund all costs associated with this TRO. The estimated cost for a TRO is £2,500.

If there are any waiting and loading restrictions to be altered or extended then these can be included in the same Order.

Informative

There were certain issues with regard to the displacement of existing car parking. The majority of the existing blocks are managed by the same Housing Association and it has been demonstrated by the H.A. that the extra car parking can be accommodated within the existing parking network, which is managed by the H.A.

Environmental Assessment - response dated 12/11/14

The applicant proposes to erect a building for residential use incorporating nineteen flats, on land adjacent to 36 Morrison Crescent and the West Approach Road. Environmental Assessment has serious concerns regarding this application as consideration of air quality and noise impacts have highlighted issues in regards to

health and amenity of future occupants. It is recognised that issues around land contamination could readily be addressed.

Air Quality

Part IV of the Environment Act 1995 requires local authorities to monitor, review and assess Air Quality in their area by way of staged processes. A number of pollutants require to be assessed against European Union (EU) and national air quality objectives. Where these objectives are unlikely to be met by the target dates, the Local Authority must declare Air Quality Management Areas (AQMA). They must also prepare and implement an Air Quality Action Plan to manage and improve the air quality in pursuit of the objectives.

The City has five separate AQMAs dealing with exceedences in the road-traffic related pollutant, nitrogen dioxide (NO₂). The Central AQMA covers the majority of roads in the city centre and located approximately 400m from the development site. This AQMA is currently being extended to include the Ardmillan Triangle road network, 500m west of the development site.

On receipt of a consultation request Environmental Assessment raised concerns about the development considering its close proximity to a busy dual-carriageway (7m from building facade to road edge). The road is the West Approach Road which is now a major, heavily trafficked city centre route with traffic flows predicted to increase and change with the development of the associated North Fountainbridge site, in particular. Developments near busy roads ought to have a buffer zone as traffic pollution reduced greatly with distance from the road edge.

In support of the application, an Air Quality Statement was submitted by the applicant. It recognised that a new junction located near the application site (associated with the larger North Fountainbridge development) would alter the pattern of traffic and likely increase emission levels on this section of road, particularly due to the stop/start nature of vehicles at junctions.

It also looked at existing nearby monitoring of air pollution and concluded that 'air quality at ground level over the entire development site is likely to exceed the [statutory] annual mean NO₂ objective and thus there is potential that resident may be exposed to elevated concentrations of NO₂'.

Within the Statement, mitigation measures were therefore proposed in order to try and reduce potential exposure to poor air quality. They include restricted car parking to try and encourage sustainable transport modes and a system of mechanical ventilation with air intake ducted from roof top. Environmental Assessment have raised concerns about these measure which have not been fully addressed by the applicant, namely; that the development should be car-free considering its location in an area of air quality concern and in keeping with (section 5 of) the CEC's Development Control Parking Standards; the provision of electric vehicle charging should be shown on the plans; and details should be provided regarding the feasibility of a mechanical ventilation system as an alternative means of ventilation.

Regarding the latter, these details need to include a strategy on how the long term maintenance of such a system would work (including responsibility for the funding of this maintenance and the payment of electricity costs), how future occupants would be informed of the need for alternative ventilation (for air quality purposes) and an assessment of the air quality at a suitable intake point. City centres have relatively high background pollution concentrations so it is not always appropriate to force this generally, poor quality air into buildings, for human ventilation purposes.

The application submission did not take account of any other pollutants, most notable PM₁₀ (Particulate Matter 10µg) which is of relevance in the City.

Notwithstanding these mitigation measures, there remains an issue for the Local Authority whereby it is likely that the Local Authority will have to declare an Air Quality Management Area to include the site because residents are likely to be exposed to high levels of pollution. That said monitoring will need to be undertaken to fully substantiate the true pollution levels should the development proceed.

In conclusion the development appears to contradict the Council Parking Standards, will lead to future residential occupants being exposed to a unacceptable level of pollution and will subsequently impact on the Local Authority which may have to take legal action to declare the area an AQMA. It is deemed relevant that these matters constitute air quality a material planning consideration and considering the significance of them the application should be refused on local air quality grounds.

Noise

However, it should also be noted that Environmental Assessment also has concerns regarding noise affecting the newly proposed residential development, particularly from road traffic.

A noise impact assessment submitted with the application is based on current traffic noise data. Based on the fact that there will be traffic increases and changes (new junction) adjacent to the development site the assessment should have been based on a worse-case scenario with these considerations. Therefore it is not deemed sufficient for the purpose of assessment.

In conclusion Environmental Assessment suggest that air quality is a material planning consideration with this application, as per guidance provided by (Planning for Air Quality 2010, Environmental Protection UK) and recommends the application is refused.

Should approval be granted

Notwithstanding this recommendation, should planning consent be granted for these proposals, it is imperative that the applicant works in partnership with and contributes appropriately to, the development of an air quality monitoring regime for the site. This could include financial contributions and details should be prescribed by way of a legal agreement between the applicant and CEC.

In addition the following conditions would need to be attached to any permission given;

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

(a) A site survey (including initial desk study as a minimum) 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

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

2. Prior to the occupation of the approved building, detail plans should be provided for approval by the Head of Planning for the proposed vehicle charging outlets.

3. *Prior to the commencement of works on the site details shall be provided regarding the strategy for the alternative means of ventilation and agreed by the Head of Planning.*

Informative

Charging outlet should be of the following standard:

Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.

The strategy regarding the alternative means of ventilation should include details of the mechanical ventilation system, how long-term maintenance will be ensured (including responsibility for the funding of this maintenance), how future occupants will be informed of system and its purpose and the justification and location of the air intake point.

Children and Families

The proposed development predicts a total of one child for a place at the non denominational primary school (Dalry Primary School). This does not generate the requirement for an educational contribution.

Housing and Regeneration

1. Introduction

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

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

o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

o This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

2. Affordable Housing Requirement

This application is for a total of 19 homes and as such the AHP will apply. The applicant has committed to provide all of these homes as affordable tenure on site and this is welcomed by this department.

The applicant's proposal for affordable homes provides a mix of one and two bedroom Shared Equity flats which can assist buyers to access the housing market. These Shared Equity flats will complement the provision of a representative mix of house types and sizes within the Fountain North / Springside masterplan, providing a mixed sustainable community.

We are aware that current obligations on the masterplan area require a minimum of 16 affordable homes to be delivered on site. The department welcomes the fact that the applicant has followed through with this commitment by proposing 19 affordable homes on this site.

3. Summary

This proposal will deliver 19 homes (100%) of approved affordable housing tenures which will make a contribution to Edinburgh's evidenced affordable housing need and is warmly welcomed by this department. Approval of this application should be subject to the provision of the affordable housing on this particular site being secured by a legal agreement.

Flood Prevention

Please see queries/issues noted below regarding the flood risk assessment (FRA) and drainage strategy plan document titled:

10973 Block L, Springside, Edinburgh, Flood Risk Assessment And Drainage Strategy Plan

Provided as a pdfs titled:

10973 Flood Risk Assessment-3.pdf

All text references sections of the report.

2.1 General Description

It is noted that 800m² of the proposed development area is hard landscaping from a total area of 1200m². The Greenfield runoff calculation presented in Appendix 3 uses the full area of the development whereas only the impermeable area should be included in the calculation. The Greenfield runoff should be recalculated based on the impermeable area only.

4.1 Fluvial Flooding

CEC agree that the proposed development is not at fluvial flood risk from any watercourses within its vicinity.

It is acknowledged that the proposed development is located 300m from the Union Canal. The canal has breached in the recent past, but the likelihood of a breach is considered to be low. The developer is not required to protect the proposed development from a canal breach.

4.2 Pluvial Flooding

As the SEPA pluvial flood map shows an area of ponding within the development site there is a possibility that runoff from outwith the proposed development boundary is entering the site. The developer must present pre and post development flow paths showing potential overland flow from outwith the proposed development boundary. The proposed SUDS must be designed to accommodate any overland flow entering the proposed development area.

6.2 Surface Water Attenuation

As noted above, the discharge rate must be recalculated based on the impermeable area of the site only.

It is acknowledged that the drainage strategy for the proposed development will be designed to accommodate flows up to the 1 in 200 year event plus climate change allowance. This is welcomed by CEC as a way of future proofing the system against intense rainfall events brought on by the effects of climate change.

No drainage plan has been provided in the FRA and Drainage Strategy Plan to show the location of storage cells and the location of proposed drainage pipes. The developer must show there is adequate space within the proposed development footprint to allow appropriate SUDS to be incorporated into the design.

It is noted that a range of storage volume requirement has been provided, stated as between 35m³ and 58m³. The Micro Drainage screen shot presented in Appendix 4 states "These values are estimates only and should not be used for design purposes." The developer must undertake detailed calculations of storage volume requirements to ensure an appropriate SUDS design is installed which meets all design requirements from SPP, SEPA and CEC.

Appendix 4 shows the storage volumes presented are calculated using the impermeable area within the proposed development boundary. The developer must calculate storage volumes taking into account the need to attenuate runoff which enters the proposed site boundary from elsewhere. This will be determined by identification of pre and post development flow paths.

6.4 Surface Water Discharge

The developer must provide a letter from Scottish Water confirming the proposed connection to the drainage network is acceptable.

SEPA

To assist with streamlining the planning process, we now focus our site specific advice in development management where we can add best value in terms of enabling good development and protecting Scotland's environment. We have therefore provided standing advice applicable to this type of small-scale local development which is available at www.sepa.org.uk/planning.aspx.

However, if you are seeking comment on some site specific issue, such as flood risk, which is not adequately addressed by our standing advice, we would welcome the opportunity to be re-consulted. The reason for consultation should be clearly indicated in the body of the 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.

Location Plan



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