

Development Management Sub Committee

Wednesday 28 January 2015

**Application for Planning Permission 14/02786/FUL
At 1 Canonmills Bridge, Edinburgh, EH3 5LF
Change of use from class 3 to retail, erection 6 flats and 3
town houses and minor alterations to elevations.**

Item number	5.1
Report number	
Wards	A12 - Leith Walk

Summary

The proposal does not comply with the development plan and the Council's non-statutory guidance in terms of scale, form and design to the detriment of residential amenity and to the character and appearance of Inverleith Conservation Area. There are no material considerations to justify approval.

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, CITD3, CITE6, NSG, NSLBCA, OTH, CRPINV,
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Report

Application for Planning Permission 14/02786/FUL At 1 Canonmills Bridge, Edinburgh, EH3 5LF Change of use from class 3 to retail, erection 6 flats and 3 town houses and minor alterations to elevations.

Recommendations

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

Background

2.1 Site description

The application site is a triangular piece of land currently occupied by a two storey building with a pitched roof. The units on the site include restaurants and retail units. The lower level is used as storage/ancillary space for these commercial units. There is a change in site levels of approximately two metres as the ground falls from Brandon Terrace along Warriston Road. This means that only one storey is visible from the front elevation facing onto Canonmills Bridge. To the rear of the site is an area used for car parking and services.

The application site is surrounded by predominately residential properties with a mix of heights including 3 and 4 storey traditional Victorian tenements with pitched slate roofs. The Water of Leith is immediately adjacent to the site on the northern and western boundaries.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

8 October 2013 - planning permission was granted for a mixed use development of 2 restaurants, 6 flats and 3 townhouses (planning application number 09/00830/FUL).

5 October 2008 - A planning application to erect a four storey mixed use development with 2no, restaurants on the ground floor and 6no, flats above; 3no, five storey townhouses to the rear was withdrawn (planning application number 08/02603/FUL).

Main report

3.1 Description Of The Proposal

The application proposes an ' L ' shaped 4 storey building for a mixed use development with 1 retail unit at ground floor level fronting Canonmills and 6 residential flats above. Three town houses are proposed to the rear facing Warriston Road.

The flats have 2 bedrooms and have windows facing onto Canonmills, Warriston Road with car parking area to the rear in a shared courtyard.

At basement level, storage space is provided for the retail unit in addition to refuse and bin stores for both the flats and commercial unit. Bike storage is also provided.

To the rear of the main block 3 townhouses are proposed facing the Water of Leith to complete the 'L shape' of the proposal. Due to the difference in ground level these are at a lower height than the flatted block. The units have 3 bedrooms with balconies facing on the river and windows facing east to Warriston Road. Parking is provided at ground floor level in the form of integral garages accessed from Warriston Road.

Solar panels are included in the design of the building to provide renewable energy, 8 are located on the main flatted block and 4 on the townhouses.

Car parking is provided for the site to the rear of the building accessed from Warriston Road. Five spaces are proposed with three of these being integral garages for the townhouses. Space is available for delivery vehicles.

The proposed materials are sandstone walling, white render finish, glass aluminium and timber.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 development is acceptable in this location;
- b) the proposal is of an acceptable scale, form and design and protects the character and appearance of the conservation area and the adjacent listed building;
- c) the proposal will result in an unreasonable loss of neighbouring amenity;
- d) the proposal is acceptable in terms of traffic and car parking;
- e) the flooding implications and archaeological issues can be addressed satisfactorily;

- f) any impacts on equalities or human rights are acceptable; and
- g) comments raised have been addressed.

a) Principle of development

The site lies within the urban area of Edinburgh City Local Plan where the principle of residential and retail development are acceptable subject to compliance with other policies of the development plan.

Policy Ret 5 of the Edinburgh City Local Plan provides that new retail development, located outwith any defined retail centre should only be permitted in very limited circumstances. Within the parameters identified it is recognised that there are benefits in providing small-scale convenience stores (identified as being up to 250 square metres gross floor space), complementing the role of identified centres, provided that they are located in easily accessible locations.

The proposed retail premises would be 189 square metres gross floor space. It is located adjacent to defined local shopping centres of Rodney Street and Dundas Street and is conveniently located within a reasonable distance of a number of residential properties which is easily accessible on foot or public transport. As such the retail element of the proposal complies in principle with the provisions of the relevant retail policy of the development plan.

The proposal is complies with Policy Ret 5 of Edinburgh City Local Plan.

The immediate surrounding area is predominantly residential in nature with commercial businesses occupying ground floor premises and residential properties above. So a proposal of this nature would be in keeping with the surrounding area. The Committee granted planning permission for a development of this scale, form and design on 10 November 2010 and the consent was issued on 8 May 2013 for a mixed use development of 2 restaurant, 6 flats and 3 townhouses (planning application number 09/00830/FUL). Whilst every planning application is to be assessed on its own merits, the previous consent is still valid and is a material consideration in the assessment of this proposal.

The principle of development is acceptable in this location.

b) Scale, form, design and character and appearance of the conservation area and listed building

The Inverleith Conservation Area Character Appraisal emphasises *the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.*

In terms of Policy Env 6 Conservation Area - Development, the building continues the building line of the existing development to the east.

It is of modern appearance will create a façade to terminate the vista along Brandon Terrace and form a gateway on approach from Inverleith Row. The scale of the proposal is dictated by the surrounding buildings but is no higher than the traditional tenements to the east and existing modern developments to the north and east. The town houses to the rear acknowledge the topography and are a full storey lower than the principal block. The development fits into and complements the massing characteristics of the surrounding buildings area and retains the variety of architectural style which is a characteristic of the conservation area. The proposed roof is flat while the townhouses roof is sloping. The main elevation is extensively glazed at ground floor level to echo the neighbouring Georgian buildings. The new windows facing south east are of a vertical style. The windows to the north east are of a more modern design. The proposed elevations are broken up by different building materials of stone, render and glass giving in a vertical emphasis to the design. The use of stone will preserve and enhance the character and appearance of the conservation area.

New access stairs lie to the front of the building and are of a simple form which does not detract from the overall character and design of the building.

The town houses to the rear are mainly finished in render facing onto the courtyard but with stone wrapping round from gable ends with timber cladding to the centre. The elevations facing onto the Water of Leith are finished in stone.

The scale, form and design of the development have not changed from the previous consent.

The materials proposed are a mix of traditional and contemporary materials and include natural stone, glass, render, aluminium and timber which are considered acceptable within conservation areas. There have been no material changes to the proposed materials from the previous approval.

There are minor changes to the fenestration of the main block; the proposed windows are the same size and retain the proportions to the window styles previously approved.

The scale, form and proposed materials of the development complement the historic character of the adjacent C(s) listed building at 32 Canonmills (LB 30288, Listed 15 September 1992). The proposal will have no adverse impact and preserves the setting of the listed building.

The proposal is of an acceptable scale, form and design and protects the character and appearance of the conservation area and the adjacent listed building.

c) Residential amenity

The height of the building and its positioning on the site has not changed from the previous approval. The changes to the fenestration do not raise any residential amenity issues as the windows are positioned in the same places as those previously approved. The comments received from Environmental Assessment are noted however these are issues that require to be addressed through the Building Regulations (Scotland) Act.

The proposal is satisfactory in terms of residential amenity.

d) Traffic issues

There are no changes to the approved car parking and access to the site.

The proposal is satisfactory in terms of parking and traffic implications.

e) Flooding and Archaeology

Flood Risk

The positioning of the buildings on the site has not changed from the previous consent. The previous application was accepted with several conditions attached; including the provision of extra information to ensure the development is not at flood risk and fits with the Water of Leith flood prevention scheme (FPS). These works are included as part of Phase 1 of the Water of Leith works.

Condition No1 states:

"No development shall take place until the structural details and calculations for the building wall which forms part of the Flood Defence shall be submitted and approved by the Council as Planning Authority. The details shall include the boundary wall and its tie in to the new flood wall on Warriston Road, to the satisfaction of the Head of Planning. These works are to be completed prior to the occupation of the first unit within the development."

The acceptance of the previous application has now expired, but the principles stated in the response to the developer with regards to flood risk remain the same.

Details have been received from the developer which confirms that the window positions are above the level of the flood wall as laid out in Water of Leith FPS. In addition the developer has submitted details that confirm that the development is not at flood risk has an adequate drainage strategy and also that the surface run-off does not impact others in the vicinity.

The proposal is acceptable in terms of flood risk.

The Archaeologist has confirmed that the site has been identified as occurring within an area of potential national archaeological significance. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

It is recommended that a condition be attached to the planning permission, if granted, to ensure that this programme of archaeological works is undertaken either prior to and/or during construction.

There are no flooding or archaeology issues.

f) Equalities or human rights impacts

This application was assessed in terms of equalities and human rights. No impact was identified.

g) Public comments

Material representations

- design, scale and form - this has been addressed in section 3.3b).
- oversupply of retail development - this has been addressed in section 3.3a).
- increased traffic - this has been addressed in section 3.3d).

Non-material representations

- none

Community Council

Stockbridge and Inverleith Community Council objects to the previously consented scale and design of the proposal and has concerns regarding the proposed retail units as they consider additional retail unit would make the present shops less sustainable - this has been addressed in section 3.3a.

Conclusion

The proposal complies with the development plan and the relevant non-statutory guidance. The proposal is acceptable in this location. The proposal is of an acceptable scale, form and design and protects the character and appearance of Inverleith Conservation Area. The proposal will not result in an unreasonable loss of neighbouring amenity. There are no material considerations that would justify refusal.

Addendum to Assessment

The application was considered at the Development Management Sub-Committee on 19 November 2014.

Committee considered that the proposal represented overdevelopment in terms of scale and form, to the detriment of the character and appearance of the conservation area.

Committee continued the application for a site visit. The site was visited on 27 November 2014.

The application was then considered at the Development Management Sub-Committee on 17 December 2014. The Sub -Committee indicated it was minded to refuse planning permission and continued the application for the reasons to be drafted.

The suggested reasons for refusal are:

1. The proposal is contrary to policies Env 6 Conservation Areas - Development and Des 3 Development Design of the Edinburgh City Local Plan and the Council's Edinburgh Design Guidance as the proposed development by reason of its scale, form and design is detrimental to the character and appearance of the Inverleith Conservation Area.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning, having first been agreed by the City Archaeologist.
2. Before construction commences, detailed design of the proposed drainage system shall be submitted to and approved by the Council, as planning authority.
3. Before the development is occupied the approved drainage system shall be implemented and completed.
4. Before construction commences, details of a temporary flood barrier and deployment plan shall be submitted to and approved by the Council, as planning authority.
5. During construction of the development, when the flood wall is not complete, the approved temporary flood barrier shall be kept on site and deployed at the request of the Council, as planning authority.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard the interests of flooding and drainage.
3. In order to protect the amenity of the occupiers of the development.
4. In order to safeguard the interests of flooding and drainage.
5. In order to safeguard the interests of flooding and drainage.

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. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
5. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
6. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
7. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured;
8. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification".
See pages 5, 15 & 16 of
www.edinburgh.gov.uk/downloads/file/9579/householder_guidance_2012.
9. The applicant should be advised that they will be eligible for one residential parking permit for each new property in accordance with Transport and Environment Committee decision of 4 June 2013. See
http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7.
10. Structural calculations relating to the flood wall were submitted and approved for the site under planning application 09/00830/FUL. If any changes to the flood wall are proposed under the new planning application, the structural calculations must be updated to reflect said changes.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

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:

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

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 18 July 2014 and attracted 227 letters of objection. These were from Cockburn Association, Stockbridge and Inverleith Community Council and residents.

Material representations

- design, scale and form;
- oversupply of retail development; and
- increased traffic.

Non-material representations

None

Community Council

Stockbridge and Inverleith Community Council object to the previously consented scheme in terms of scale and design and have concerns regarding the proposed retail unit as they consider an additional retail unit would make the present shops less sustainable.

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

Background reading/external references

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

**Statutory Development
Plan Provision**

The site lies within the urban area of the Edinburgh City Local Plan. The site is designated as being within Inverleith Conservation Area.

Date registered

8 July 2014

Drawing numbers/Scheme

1-10,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jennifer Zochowska, Senior planning officer

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

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

Application for Planning Permission 14/02786/FUL At 1 Canonmills Bridge, Edinburgh, EH3 5LF Change of use from class 3 to retail, erection 6 flats and 3 town houses and minor alterations to elevations.

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for change of use from class 3 to retail, erection 6 flats and 3 town houses and minor alterations to elevations.

The site lies on the southern bank of the Water of Leith adjacent to Canonmills Bridge, a position that places the site at the heart of the medieval settlement of Canonmills. Canonmills, as the name implies, was given to Holyrood Abbey in its foundation charter of 1128AD as the site for its mills. By 1423AD these mills were established as part of the pension off the abbot of Holyrood (Stuart Harris, 'Place Names of Edinburgh'). The present buildings of (1-6 Canonmills) appear between the publishing of the first (1853) and second (1875) editions of the Ordnance Survey Maps and were originally associated with a marble works.

Accordingly this site has been identified as occurring within an area of potential national archaeological significance. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The scheme will see the demolition of the Victorian properties occupying the site and significant ground breaking works. As such the loss of this building and impact upon potential buried remains are considered as having an overall moderate archaeological impact. Accordingly it is essential that a suitable programme of archaeological works are undertaken prior to and during development. This will require the undertaking of a Level 2 Historic building survey of the surviving Victorian buildings prior to their demolition linked to a phased programme of archaeological excavation. It is envisaged that the first phase will be an archaeological evaluation, the results of which will help determine the scope of any subsequent phases including preservation insitu.

It is recommended that the following condition be attached consent, if granted, to ensure that this programme of archaeological works is undertaken either prior to and/or during construction.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building survey, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Please contact me if you require any further information.

Transport Planning

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

- 1. Contributions are provided under the terms of the Section 75 concluded under the previous planning permission, Ref.09/00830/FUL. viz. City Car Club contribution of £12,500 and Public Transport Improvements contribution of £4,500;*
- 2. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 3. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
- 4. Any gate or gates must open inwards onto the property;*
- 5. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
- 6. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured;*
- 7. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification".*

See pages 5, 15 & 16 of www.edinburgh.gov.uk/downloads/file/9579/householder_guidance_2012

Note:

Current Council parking standards would normally require 1 space per flat with an additional 0.25 spaces per unit for visitors: a total of 8 spaces for the flats in this case. However, given the development's location within the controlled parking zone, the proximity of public transport and the provision for car club, I have no objection to the proposed application.

The applicant should be advised that they will be eligible for one residential parking permit for each new property in accordance with Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7

If you have any queries, please call Matthew Simpson on 0131 529 3426 (Direct Dial).

Please see queries/issues noted below regarding flood risk and drainage strategy for the proposed development located at 1 Canonmills Bridge.

Flooding Prevention

Flood Risk

It is understood that an application was made to develop this site in 2009 (09/00830/FUL) and the application was accepted with several conditions attached, including the provision of extra information to ensure the development is not at flood risk and fits with the Water of Leith flood prevention scheme (FPS).

Condition No1 states:

"No development shall take place until the structural details and calculations for the building wall which forms part of the Flood Defence shall be submitted and approved by the Council as Planning Authority. The details shall include the boundary wall and its tie in to the new flood wall on Warriston Road, to the satisfaction of the Head of Planning. These works are to be completed prior to the occupation of the first unit within the development."

The acceptance of the previous application has now expired, but the principles stated in the response to the developer with regards to flood risk remain the same.

It is the position of CEC Flood Planning that conditions will only be applied to applications in extreme mitigating circumstances as dictated by Flood Planning and therefore all information requested in the above condition and this response must be provided in advance of the application being accepted.

It is acknowledged that the windows located at the lowest level in the flood wall adjacent to the Water of Leith will have a sill level of 12.45mAOD which is 0.29m higher than the top of the FPS flood wall. The top of the wall is at level of 12.16mAOD as taken from design drawings of the Water of Leith FPS. This is acceptable to CEC.

Drainage Strategy

Beyond architectural drawings no information has been provided to detail the proposed development to determine if a drainage strategy has been considered by the developer. Detailed information must be provided in line with CEC Flood Planning guidelines to ensure the proposed development is not at flood risk; has an adequate drainage strategy and also that surface runoff does not impact others in its vicinity. The developer must consult the CEC flood planning guidelines as provided and submit appropriately detailed information to allow both flood risk and drainage strategy to be assessed. SUDS must be incorporated into the drainage system where appropriate and designed using the appropriate guidelines and standards.

With regards to this specific development, CEC Flood Planning request that surface water drainage is not discharged to the Water of Leith as a pipeline constructed through the flood wall not considered acceptable. Surface water drainage should be discharged to the local surface water sewer network.

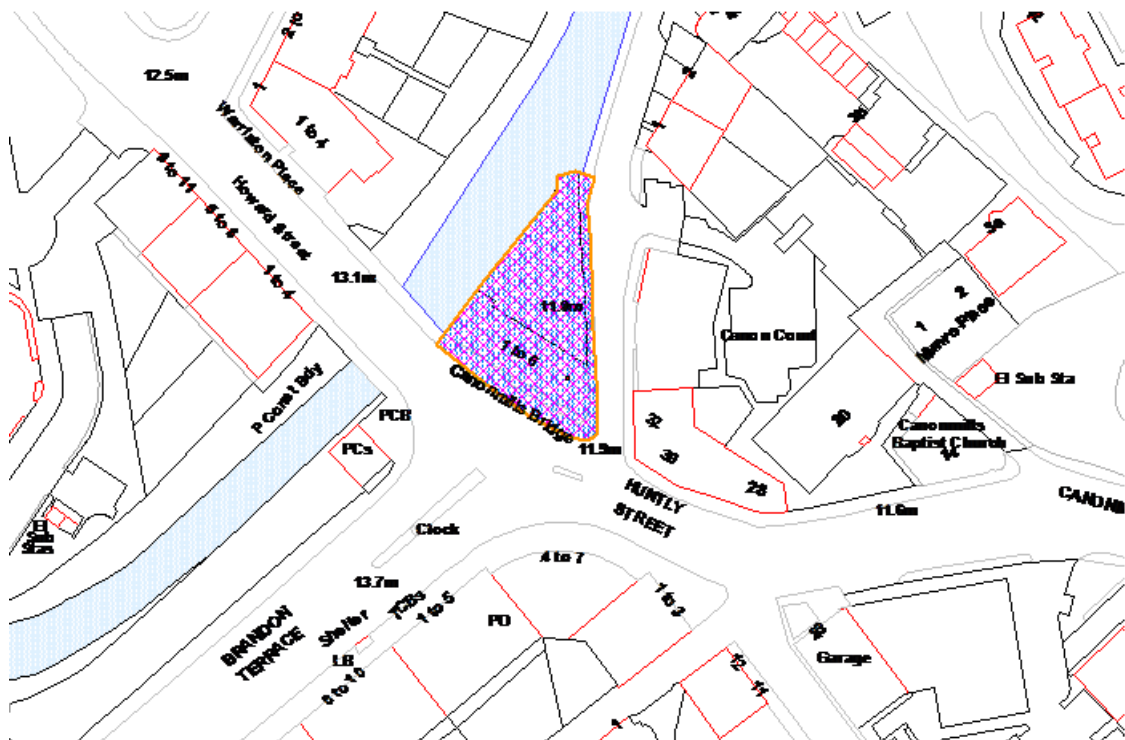
Discharge from the surface water drainage system will not be tolerated above the 2yr Greenfield runoff for the impermeable area of the proposed development, or 4.5 l/s/ha, whichever is smaller. CEC also requires this standard to be met if the discharge must be made to a combined sewer, though this will only be acceptable if no surface water sewer is available.

Please refer to the CEC Flood Planning guidelines which have been provided attached to this response. CEC welcome the opportunity to discuss the potential drainage strategy of the site in advance of submission of a surface water management plan.

Andrew Low
Flood Prevention

If you have any queries on the above, please contact Andrew Low on 0131 469 3474 or email Andrew.Low@edinburgh.gov.uk.

Location Plan



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