

# Development Management Sub Committee

Wednesday 18 November 2015

## Application for Approval of Matters Specified in Conds 15/02910/AMC

At Site 100 Metres West Of 17-21, Portobello High Street, Edinburgh

Approval of matters specified in condition 3 of planning permission in principle (14/03736/PPP) for proposed development of sheltered housing, comprising a 42 sheltered apartments (20 x 1 bed + 22 x 2 bed) communal facilities, landscaping and car parking (as amended).

Item number	7.3
Report number	
Wards	A17 - Portobello/Craigmillar

## Summary

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The design of the proposal is in accordance with the Development Plan and the North West Portobello Development Brief. The design, scale and layout is acceptable and there are no adverse impacts on amenity or road safety.

## Links

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<a href="#">Policies and guidance for this application</a>	LPC, CITD1, CITD2, CITD3, CITD6, CITH2, CITH3, CITH4, CITT4, CITT5, OTH, NSGD02,
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# Report

## **Application for Approval of Matters Specified in Conds 15/02910/AMC**

**At Site 100 Metres West Of 17-21, Portobello High Street, Edinburgh**

**Approval of matters specified in condition 3 of planning permission in principle (14/03736/PPP) for proposed development of sheltered housing, comprising a 42 sheltered apartments (20 x 1 bed + 22 x 2 bed) communal facilities, landscaping and car parking (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is located to the north west of Portobello town centre within the wider redevelopment of the Baileyfield site. The Baileyfield site is 3.45 hectares in area and this site comprises 0.3 hectares of this. The application site is broadly rectangular in shape and bound by Portobello High Street to the east, the Aldi site to the south (application reference: 15/02624/AMC), proposed housing to the west (application reference: 15/04197/AMC) and a Scottish Power substation to the north.

The site previously contained a number of light industrial uses including an office building, although these have now been demolished.

The character of the wider area is varied with residential properties to the east of the site and industrial and commercial uses to the south and west. The Portobello Conservation Area lies to the south beyond Fishwives' Causeway.

The site is generally flat and at the same level as Portobello High Street. There are no trees or natural features on the site as it mainly comprises hardstanding.

#### **2.2 Site History**

25 May 2005 - Planning Permission in Principle was refused (at appeal for non-determination) for the erection of superstore, petrol filling station and associated parking, landscaping and access roads (application reference: 03/03021/OUT. Appeal references: P/PPA/230/631 and P/PPA/230/632). The reason for refusal was:

- The development is part of a larger proposal which will not make a positive contribution to the overall quality of the local environment and will not integrate with the character of Portobello town centre.

25 May 2005 - Planning Permission in Principle was refused for the formation of car parking, bus stop and landscaping, ancillary to proposed superstore (this planning permission was also appealed for non-determination. The reason for refusal is set out above) (application reference: 04/00188/OUT).

10 June 2010 - Full Planning Permission was refused for development comprising residential, commercial, office, community use, Royal British Legion, health and well being centre, exhibition space, retail, demolition of existing buildings on site, parking, landscaping and access arrangements (application reference: 09/01029/FUL). The reason for refusal was:

- The proposal is contrary to Policies Hou 4 - Housing Density and Des 3 - Development Design of the Edinburgh City Local Plan by way of its overall height, scale, form and choice of materials resulting in development, detrimental to the character and appearance of the surrounding townscape and local amenity.

18 February 2011 - Advertisement Consent was refused for the erection of two commercial backlit advertising displays (application reference: 10/03634/ADV).

13 October 2011 - Advertisement Consent was refused for the erection of two backlit advertising displays (application reference: 11/02505/ADV).

16 June 2015 - Planning Permission in Principle was granted for demolition of buildings and development for residential, retail, sui generis and retirement apartments, detailed matters for retail store (siting, design, access and landscaping) detailed matters of residential (max no. of heights of units, layout) and points of vehicular/pedestrian access and egress (application reference: 14/03736/PPP).

9 September 2015 - Application for matters specified in conditions submitted for erection of 61 Dwellings (Terraced Housing, Townhouses & Colony Dwelling) along with 44 No Flats. This application is currently pending consideration. (application reference: 15/04197/AMC).

15 September 2015 - Proposal submitted for 52 affordable housing units on a vacant brownfield site on Fishwives Causeway, Portobello. Part of a wider site master plan granted planning permission in principle in June 2015 (application reference: 15/04234/AMC).

21 October 2015 - Application approved for approval of matters specified in conditions 2, 4 and 5 of planning permission 14/03736/PPP as relating to detailed matters of phase 1 retail foodstore (as amended) (application reference: 15/02624/AMC).

## **Main report**

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### **3.1 Description Of The Proposal**

This application seeks the approval of matters specified in condition 3 of planning permission 14/03736/PPP as relating to detailed matters of housing within part of the site. This application seeks approval for the outstanding matters as set out in the condition of the PPP and proposes the erection of 42 retirement apartments (20 with one bedroom and 22 with two bedrooms) within a flatted block facing onto Portobello High Street.

The block is proposed to be four storeys in height with a flat roof. The front elevation contains a number of projecting and recessed elements and the predominant materials are red brick with a portion of metal-coloured cladding on the roof of the central part of the block. An internal communal refuse room is proposed on the ground floor. A residents' lounge is also on the ground floor, facing onto the High Street.

Parking is provided to the rear of the building where there are 32 spaces for cars, including 2 disabled spaces. There is also a separate covered area for mobility scooters and bicycles. There are landscaped garden areas to the front along Portobello High Street and to the rear between the building and the car parking. These areas include tree and shrub planting.

#### Scheme 1

The plans have been amended to alter the design of the front and rear elevations, and include the removal of the butterfly roof.

The following documents were submitted in support of the application:

- Planning Statement;
- Design and Access Statement;
- Hard Landscape Specification, and
- External Lighting Specification.

These documents are available to view on the Planning and Building Standards Online Service.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 proposals comply in principle with the Development Plan and the North West Portobello Development Brief;
- (b) The proposals provide a development of appropriate design, scale and layout;
- (c) The proposal would be acceptable in terms of amenity for existing and future residents;
- (d) The access and parking arrangements are acceptable;
- (e) The proposal would meet sustainability criteria;
- (f) The proposal would have any equalities or human rights impacts; and
- (g) The comments raised in representations have been addressed.

#### **(a) Principle of the Development and Compliance with the North West Portobello Development Brief**

The principle of the development is established by the planning permission in principle (PPP) to which this application for approval of matters specified in conditions relates. In terms of the proposed residential use, the layout, and routes through the development, the proposal accords with the planning permission in principle.

With regards to the North West Portobello Development Brief, the Brief does not specify the acceptability of retirement apartments, however it states that residential development would be appropriate on this site. This proposal contributes towards the mix of tenures across the wider site and therefore the inclusion of retirement apartments are acceptable.

Therefore, the principle of the development has been established and is acceptable.

#### **(b) Design, Scale and Layout**

In assessing the scale and form of the proposal, policies Des 1, Des 2 and Des 3 of the Edinburgh City Local Plan provide a robust framework for assessing design quality. Policies Des 4 and Des 5 relate to the layout and Design of external spaces. The site is also covered by the North West Portobello Development Brief, which contains design guidance for the site.

## **Design**

The current appearance of the site has a negative effect upon the character of the area. The previous industrial/commercial uses on the site contained a mix of buildings with varied heights, style and designs that provided little quality and did not make a positive contribution to the character or appearance of the surrounding area. Most of the uses have now vacated the site and it sits in a derelict state which detracts from the overall appearance of the area as important entrance into Portobello. The site currently engages poorly with the surrounding streets, particularly along the High Street, offering little in the way of active frontages or interaction.

Policy Des 1 states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a high quality, sustainable living environment. In terms of assessing this proposal against policy Des 1, the surrounding built environment is a mix of heights, styles and age with varying materials. The proposed retirement unit types and sizes will provide for a range of users and would contribute to the creation of a varied and sustainable place when considered in context with the wider Baileyfield redevelopment.

Policy Des 3 requires development to have a positive impact on its setting with regards to the positioning of buildings on the site, their height, scale, materials, form and wider townscape impacts. In assessing this proposal against policy Des 3, the elevations of the flats provide a contemporary interpretation of the traditional buildings along the High Street. The facade to the High Street is broken up into series of panels which helps to divide the massing of the building and provide visual interest. The windows have vertical proportions and are commensurate with those on nearby buildings. The flat roof helps to reduce the massing of the building and provides a contemporary building form, which is acceptable in this location.

This site contributes towards providing an entrance into Portobello as the town is approached from the Seafield Junction. The design of the development is appropriate in creating a sense of urban enclosure, as set out in the Brief.

The use of brick is appropriate in this location as it generally has good weathering characteristics when compared with cast stone or render. The proposed use of Birtley Olde English Buff is appropriate as its colour and texture complements the surrounding buildings. The brick coursing above the windows on the ground floor help to add visual interest at pedestrian level.

## **Scale**

The scale and height of the development is commensurate with the height of the properties across Portobello High Street. Although these existing properties are set back from the road, this development proposes a suitable urban edge on the approach to Portobello and is in accordance with the Brief where there is a desire to provide an active residential frontage.

The height of the building relates to other buildings in Portobello and when long views across the site are taken from Seafield Junction, the height of the proposed building is commensurate with the form and streetscape of the High Street.

In addition, here are several other examples within the locale (particularly along Portobello High Street) where the heights of the buildings vary and it is not uncommon throughout the wider Portobello area to see a range of building heights in adjacent buildings.

## **Layout**

The Brief states that the Portobello High Street edge will extend the existing High Street to create a frontage of similar scale and urban enclosure.

The flatted block is positioned to form a street edge along Portobello High Street, with the building sitting behind a landscaped amenity area adjacent to the footway. On this street, an active frontage is provided at street level via entrances into the flats and also a communal sitting area. The height of the building forms an appropriate urban edge. The parking areas to the rear of the building negate the requirement for parking on the High Street and allows for areas of planting and landscaping at the front.

The layout of the proposed development would contribute towards the existing quality and character of the immediate and wider environment by having a strong active frontage along Portobello High Street and would provide pedestrian permeability through the site towards the new central park. The layout is therefore in accordance with the Brief and is acceptable.

Overall, the scale, design and layout of the proposal is acceptable.

## **(c) Amenity for Existing and Future Residents**

### **Existing Residents**

The closest existing residential properties are located across the road on Portobello High Street. Due to the fact that there is at least 40 metres between the existing properties and the proposed flats, there will be no issues with privacy, overlooking or overshadowing.

### **Future Residents**

#### *Sunlight and Daylight*

The flats are single aspect, with the exception of the corner units, which benefit from dual aspect. There is no specific guidance contained within the Edinburgh Design Guidance relating to retirement apartments. However there is a general presumption in favour of flats which have a dual aspect. In this case, the flats are generously proportioned and contain floor to ceiling windows in the main living areas. This will give the flats generous amounts of sunlight and daylight, in accordance with the guidance. In addition, the east-facing flats on the upper floors will benefit from views across the beach towards the Forth, which contributes to the amenity of the development.

#### *Privacy*

The windows between properties of this proposal and the adjacent Barratts' development site to the rear (15/04197/AMC) are at least 22 metres apart.

### *Open Space*

Policy Hou 3 (Private Open Space) requires 10 square metres of open space to be provided for each flat and that 20% of the total site area should be green space. In this instance, there is 645 square metres of amenity space, which equates to 15 square metres per unit. This is equivalent to 22% of the total site area.

There are approximately 40 additional new trees throughout the development as well as grass, flowers and shrub planting.

A condition is recommended requiring the management and maintenance of the landscaping to be submitted to ensure that all plants are established. The level and quality of open space proposed is therefore acceptable.

### **(d) Access and Parking**

Transport has raised no objections with regards to the proposed access. With regards to parking, current Council car parking standards for this development within this area (Zone 3a) require a minimum of 24 spaces (there is no maximum). The applicant proposes to provide 32 spaces which is considered acceptable.

### **(e) Sustainability**

A Sustainability Statement was submitted in support of the application.

<b>Essential Criteria</b>	<b>Available</b>	<b>Achieved</b>
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
<b>Total points</b>	<b>80</b>	<b>80</b>

In addition to the essential criteria, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections, including the use of sustainable timber and mechanical ventilation with heat recovery.

The sustainability measures are therefore acceptable.

### **(f) Equalities and Human Rights**

An Equalities and Rights Impact Assessment has been carried out. There are no issues of equalities and rights due to the fact that the building has been designed to be fully accessible. The open space on site is also fully accessible. A copy of the full assessment can be viewed on the Planning and Building Standards Online Service.

## **(g) Representations**

Following an initial round of neighbour notification, three letters of objection were received. A second round of neighbour notification was carried out following the submission of amended plans and this attracted a total of six letters of representation. Of this number, four were letters of objection and two were in support.

### **Material Objections**

- Inappropriate use of red brick (assessed in 3.3(b) above;
- Poor design, particularly the flat roof (assessed in 3.3(b), above, and
- Landscaping and open space is inadequate (assessed in 3.3(c), above.

The letter of support commented on the quality of the design.

### **Conclusion**

The design of the proposal is in accordance with the Development Plan and the North West Portobello Development Brief. The design, scale and layout is acceptable and there are no adverse impacts on amenity or road safety.

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

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

#### **Conditions:-**

1. The materials to be used on the external walls of the building shall be Ibstock Birtley Olde English Buff.
2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

#### **Reasons:-**

1. To ensure the use of appropriate materials.
2. 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 two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle.

3. The provision, layout, location and number of cycle parking should be to the Councils standards in accordance with Cycle Friendly Design Guide and to the satisfaction of the Head of Transport.
4. The applicant should be informed that prior to carrying out any works to form a footway crossing the access road consent must be applied for and secured

## **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:**

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**

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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**

Following an initial round of neighbour notification, three letters of objection were received. A second round of neighbour notification was carried out following the submission of amended plans and this attracted a total of six letters of representation. Of this number, four were letters of objection and two were in support.

An assessment of these 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](#)

- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development  
Plan Provision**

The site is within the Urban Area in the Edinburgh City Local Plan where general housing and retail policies apply.

The site is also part of the North West Portobello Development Brief 2008.

**Date registered**

22 June 2015

**Drawing numbers/Scheme**

01, 02A, 03-05, 06A-08A, 09-12,

**David R. Leslie**

Acting Head of Planning and Building Standards

Contact: Lesley Carus, Senior Planning Officer

E-mail:lesley.carus@edinburgh.gov.uk Tel:0131 529 3770

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

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 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.

### **Other Relevant policy guidance**

**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.

# Appendix 1

## **Application for Approval of Matters Specified in Conds 15/02910/AMC**

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### **Consultations**

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#### **Archaeology**

*Site at 100m West of 17-21 Portobello High Street*

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for proposed development of sheltered housing comprising 42 sheltered apartments (20 x 1 bed & 22 x 2 bed), communal facilities, landscaping and car-parking.*

*As stated in my response to application 14/03766/PPP, this site is an area of archaeological significance principally relating to the nationally significant Industrial Pottery and Ceramic Industries at Portobello. Accordingly this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV9.*

*Given the potential significant archaeological impacts of development it was and is considered that a phased excavation strategy be undertaken, the first phase being the undertaking of a programme of archaeological evaluation. Accordingly it is recommended that the following condition be attached to ensure that the necessary programmes of archaeological works are implemented prior to development (evaluation, excavation, analysis & reporting, public engagement) and to agreed timetables (analysis & reporting, publication).*

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

#### **Transport Planning**

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

1. *Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-*
  - a. *A financial contribution to transport promotion measures, including contributions to or provision of public transport season tickets. The provision of a public and sustainable transport information pack, in order to help embed public transport habits and encourage modal shift (see note below).*
  - b. *A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area of the care home. (Reason to advise staff and visitors of public transport);*  
*Note. there a concluded s75 with relation to the PPP application for this site which (clause 5.2.1) obligates the proprietors to produce a travel plan/pack for all residential properties. This however does not cover staff and residents of the care home therefore either an addendum to this clause in required or a separate agreement is necessary)*
2. *Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle;*
3. *The provision, layout, location and number of cycle parking should be to the Councils standards in accordance with Cycle Friendly Design Guide and to the satisfaction of the Heead of Transport;*
4. *The applicant should be informed that prior to carrying out any works to form a footway crossing the access road consent must be applied for and secured;*
5. *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 [http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\\_for\\_householders](http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders)*
6. *The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of Head of Transport. This is to ensure there is no discharge of water onto the public road network.*

*Note:*

*Current Council car parking standards for Care Homes within this area (Zone 3a) require a minimum of 24 spaces there is no maximum. The applicant proposes to provide 32 spaces which is considered acceptable.*

*All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.*

## Location Plan

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