

# Development Management Sub Committee

Wednesday 2 December 2015

**Application for Planning Permission 14/04512/FUL  
At 59, 60 Belford Road, Edinburgh, EH4 3UE  
Demolition of Belford House + redevelopment of site for  
residential development + class 1 (retail), class 2 (financial,  
professional + other services) and/or class 4 (business) use  
(inc. change of use, conversion + extension to Douglas  
House) + other associated works (as amended July 2015)**

<b>Item number</b>	7.1
<b>Report number</b>	
<b>Wards</b>	A05 - Inverleith

## Summary

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The proposal is in accordance with the development plan and the Council's non-statutory guidance. There is a minor infringement of guidance in respect of sunlight and daylight, however given the site's built-up context, this infringement is not sufficient to justify refusal of planning permission.

The conversion, extension and proposed new-build are acceptable in terms of scale, form and design and will not be detrimental to the setting of listed buildings, the conservation area or the universal values of the Edinburgh World Heritage Site. The proposed demolition, use and impact on amenity are acceptable. The recommended conditions will ensure the protection of archaeological heritage, residential and area amenity and natural heritage. A legal agreement will secure appropriate developer contributions to education and affordable housing. The proposals are acceptable and there are no material considerations that outweigh this decision.

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## Links

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### [Policies and guidance for this application](#)

LPC, CITD1, CITD3, CITD4, CITD5, CITD6, CITD10, CITD11, CITH1, CITH2, CITH3, CITH4, CITH5, CITH7, CITH8, CITCO2, CITEM4, CITR5, CITT2, CITT3, CITT4, CITT5, CITT6, CITE1, CITE3, CITE6, CITE8, CITE11, CITE12, CITE16, CITE17, CITE18, CITOS3, LDPP, PLEM09, PLDP19, PLDP56, CRPDEA, NSG, NSDCAH, NSGD02, NSLBCA, NSP,

# Report

## **Application for Planning Permission 14/04512/FUL At 59, 60 Belford Road, Edinburgh, EH4 3UE Demolition of Belford House + redevelopment of site for residential development + class 1 (retail), class 2 (financial, professional + other services) and/or class 4 (business) use (inc. change of use, conversion + extension to Douglas House) + other associated works (as amended July 2015)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is bounded by Belford Road to the south, Sunbury Mews to the east, and late twentieth century residential development to the north and west with the Water of Leith corridor, a local biodiversity site, beyond. The site is occupied by a building that is made of an Edwardian part known as Douglas House and a 1980s part known as Belford House. It is not listed. The site extends to 0.3 hectares and slopes steeply down from south to north. It is within the river valley of the Water of Leith.

The surrounding area is predominantly residential in nature. The main exception is the Category B-listed former church (date of listing: 15 June 65, listing reference: LB48133), now operating as a hostel, which is set directly across Belford Road from Douglas House. The residential properties are of varying ages and scales, with traditional tenements, mews properties, modern townhouses and flatted dwellings all in close proximity. Numbers 1 -8 Sunbury Mews to the east of the site are listed Category B (date of listing 22 July 09, listing reference LB51343).

There is informal public access through the site from Sunbury Mews on the east to Sunbury Place on the west of the site. Motor vehicle access is from Sunbury Mews via the west end of Belford Road. Belford Road is not accessible from the A90 Queensferry Road direction.

The site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the Dean Conservation Area.

#### **2.2 Site History**

18 March 1981- planning permission granted for the refurbishment of existing building and erection of a new office building (application number 1652/80).

14 January 2011 - associated planning applications for a) erection of office and residential development (application number 09/01803/FUL) and b) conservation area consent to demolish Belford House and Douglas House (application number 09/01803/CON) refused.

13 July 2011 - appeal against refusal of application numbers 09/01803/FUL and 09/01803/CON dismissed. Grounds for dismissal were:

- proposal not in accordance with the development plan;
- it would fail to preserve the character and appearance of the conservation area; and
- it would fail to protect the setting of listed buildings.

17 July 2013 - proposal of application notice received for demolition and redevelopment of site for residential and office development (application number 13/02767/PAN).

### Adjacent site to north

18 March 1981 - planning permission granted for a housing development (application number 1653/80).

## **Main report**

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

This is an amended scheme (Scheme 2) for detailed planning permission for:

- retention and conversion of Douglas House to residential and commercial use;
- construction of an extension to Douglas House;
- demolition of Belford House; and
- construction of a replacement building to provide residential apartments and town houses.

The site will provide 50 residential units with a mix of unit sizes as follows:

- Five one-bed flats.
- 29 two-bed flats.
- 13 three-bed flats.
- Three townhouses.

Nine of the proposed flats will be located in Douglas House and its proposed extension. The new building on Belford Road/Sunbury Mews will have 38 apartments and the three townhouses will be on Sunbury Mews.

A commercial unit of 185 sqm is proposed in the ground floor of Douglas House for Class 1 (Retail), Class 2 (Financial, Professional or other Services) and/or Class 3 (office development).

A commuted sum specified by Housing and Regeneration for affordable housing will be paid.

A number of alterations and extensions to Douglas House are proposed to allow for its conversion to residential use. These include alterations to the existing pitched roof and the provision of box dormers to incorporate an additional level of accommodation at roof level. A four storey contemporary extension, with basement parking below, is proposed to the rear of Douglas House.

The main proposed new-build element is a 'V' shaped building, which is designed to appear as a series of inter-connected blocks. These vary in height and frontage treatment. The building line follows the frontage of Belford Road, with a set back section towards its corner with Sunbury Mews, where a more substantial set back area currently exists. The tallest building components are located at the corner of Belford Road and Sunbury Mews. The components appear as seven to eight storeys at this point. On Sunbury Mews the building steps down from the street corner, becoming three storeys, with basement car park below, at the town house at the north east end of the application site. A further storey of apartment accommodation is located at a set back position above the adjacent town houses.

There will be three lifts, one serving Douglas House and two serving the new main block.

The principal proposed facing materials are sandstone, textured brick and metal cladding on the Belford Road frontage. Mainly brick and metal cladding is proposed on sections to the rear and on Sunbury Mews. Render would replace pebbledash on the rear of Douglas House.

Fifty vehicle parking spaces are proposed at basement level, with vehicular access being taken from Sunbury Mews. Secure bicycle parking is proposed at basement level. Parking for motorcycles and the disabled is to be provided in accordance with Council standards.

Pedestrian access will be from Belford Road, Sunbury Mews and Sunbury Place. A gated pend is proposed at ground floor level between Douglas House and the proposed new building. The existing pedestrian connection from the west of the site to Sunbury Place is to be maintained.

A raised, landscaped courtyard is proposed above the car park to the rear of the building. There will be a small landscaped area on the south east corner of the site.

Bins will be stored beside the carpark entrance.

### Previous scheme

A number of amendments have been brought forward during the assessment of the proposals. Revised plans were submitted in July 2015. The main changes to the initially submitted scheme are:

- height of Sunbury Mews block reduced;
- roof of mews and main block altered;
- part of uppermost floor of main block set back; and
- storey removed from Douglas House extension.

## Supporting information

The applicants submitted the following documents in support of the application:

- Bat Survey Report;
- Daylight Impact Analysis (Issue 03);
- Daylight Assessment (Issue 04);
- Design and Access Statement and Addendum;
- Drainage Strategy;
- Flood Risk Assessment;
- Maintenance Schedule;
- Noise Impact Assessment);
- Planning and Heritage Statement;
- Pre-application Consultation Report;
- Sunlight Analysis (Issue 03);
- Sustainability Form;
- Transport Information (revised);
- Tree Survey Report; and
- Planning Statement and Addendum.

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

The application was screened for an Environmental Impact Assessment on 25 April 2014 and an Environmental Statement was not required.

### **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 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 proposal is acceptable in principle;

- b) the proposal preserves or enhances the historic environment;
- c) the proposal is of an appropriate scale, design and materials;
- d) the proposal is detrimental to the amenity of neighbours;
- e) the proposal will provide an acceptable level of amenity for future occupiers of the development;
- f) the proposal will raise any traffic or road safety issues;
- g) the proposal meets the Council's sustainability criteria;
- h) flooding and drainage issues arise;
- i) other material issues have been addressed;
- j) any impacts on equalities or human rights are acceptable; and
- k) representations and Community Council comments raise material issues.

#### **a) Principle**

The Edinburgh City Local Plan (ECLP) supports residential and office accommodation in this location. These uses are compatible with the existing residential and business uses in the area.

Policy Env 6 (Conservation Areas - Development) applies. Belford House is an undistinguished commercial building with no significant architectural interest or merit and is of little townscape value. While the proposal refers to demolition, because of the interlinked nature of Belford and Douglas Houses, the building is effectively one entity and therefore the removal of part of the building amounts to an alteration. The removal of part of the building is acceptable as part of the re-development proposal.

#### Use mix

The proposal incorporates a mix of residential unit sizes, from one bedroom flats to three bedroom houses. This will meet a good range of housing needs, in accordance with ECLP policy Hou 2 (Housing Mix). The proposed commercial accommodation is of a modest scale and compatible with the area. As Belford House is used as an office and the proposal is to replace it with housing, ECLP policy Emp 4 (Employment Sites and Premises) is relevant. It requires the provision of a significant element of new floor space suitable for a range of business users. The area of office space included in the proposal is not significant in relation to the overall scale of development and therefore it does not conform to the development plan.

The Second Proposed Local Development Plan (LDP) is a material consideration and policy Emp 9 (Employment Sites and Premises) applies. Unlike ECLP policy Emp 4, Emp 9 provides that, where a site is not larger than one hectare, under Emp 9 the proposal would not need to include floorspace designed to provide for a range of business users. The site area here is 0.3 hectares. This policy area has changed from the ECLP policy Emp 4 with little resistance. The policy from the first Proposed Local Development Plan was not changed. Therefore, LDP policy Emp 9 is has considerable weight. The proposed uses will not prejudice or inhibit the activities of any nearby employment site. The proposal will contribute to the regeneration and improvement of the wider area by providing a suitable mix of uses, including much needed residential accommodation. The proposal would comply with Emp 9.

Economic Development was consulted and has expressed concern about loss of office space, while noting that the buildings are aging stock and slightly outside the central business district. The buildings are not fully occupied and the site is on the fringes of the central Edinburgh office area where demand for office accommodation is generally lower than in more central locations.

Although the proposal does not comply with the development plan in respect of business space provision, material considerations indicate otherwise. The proposal is acceptable in respect of mix of uses.

### Retail

The small element of potential retail use (185 sqm) should be considered in terms of ECLP policy Ret 5 (Out-of-Centre Development). Minor retail use could provide an easily accessible small scale convenience shop for the proposed housing residents. It would not adversely affect the viability or vitality of existing centres due to the nature of the proposal and its distance from them and therefore is acceptable.

### Affordable housing

The revised proposal has 50 residential units. Both ECLP policy Hou 7 (Affordable Housing) and LDP policy Hou 6 (Affordable Housing) state that, as there are more than 20 proposed dwellings, affordable housing at 25% of total dwellings, should usually be provided on site.

The applicant advised that the construction costs were considerably higher than average on this development, due to the renovation required, the presence of listed buildings and the requirement to use conservation area materials. A key principle of the Affordable Housing Policy (AHP) is that any affordable homes should be tenure blind, constructed with the same materials as the market homes so that they blend in and cannot be identified by their external appearance. The Council asked the developer to produce their construction costs. Per unit, they were comfortably more than double the cost of what affordable housing providers could expect to raise in order to construct a property.

There is a considerable risk that, if the regular AHP process were to be followed, and the developer were to gift the land to an AHP developer, then the AHP developer could not afford to build a like for like property on this site, given the conservation area constraints and costs.

In such circumstances, as AHP land is conventionally transferred at nil value but on a "use it or lose it" time limited basis, there is a significant risk that the AHP developer could not afford to build the homes, and that the land would be returned at nil value to the developer, with no AHP resource emerging from this development.

In such circumstances, and specifically for renovation projects, the AHP makes allowance and contains a number of alternative flexible approaches.

Housing and Regeneration is satisfied that the construction costs submitted were accurate, having had those checked by Corporate Property. The developer has offered to pay a commuted sum, calculated in line with policy, and phased in line with two clear phases of the construction project.

Given the particular circumstances of this site, Housing and Regeneration has advised that, a commuted sum would be acceptable. This would amount to £312,500 and be paid by the developer in two instalments. The affordable housing contribution would be secured through a legal agreement. The applicant is agreeable to this.

### Scottish Planning Policy (SPP)

The Edinburgh City Local Plan was adopted more than five years ago, in January 2010. Para 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. SPP Para 29 lists a number of sustainable development principles which should be used to guide decisions. The proposal will help meet the housing needs of the plan area and provide a small, flexible commercial element, which will aid sustainability. Loss of office space is addressed above.

In summary, the proposed uses, mix of accommodation and alteration are acceptable, subject to the developer contribution to affordable housing noted above.

## **b) Historic Environment**

### Conservation Area

The Dean Conservation Area Character Appraisal notes the high quality of buildings, that the range of building materials is more varied than in the adjacent New Town and that residential use predominates. Essential spatial characteristics include the variety of links through the area, glimpsed views and the informality of views down the valley.

The proposed new-build steps down the river valley towards the north and towards Douglas House and the Water of Leith on the west. This reflects the topography and character of the area. The highest point of the proposal is approximately five metres higher than the existing high point of Belford House and lower than the adjacent flats in Belford Road. The juxtaposition of building size and type is also characteristic of the area. This allows the taller elements on the south of the proposal to fit in visually with the lower elements and neighbouring buildings. The view information provided by the applicant supports this analysis and indicates that the scale of the proposal is appropriate in the context.

In his decision on the appeal of the refusal of planning application 09/01803/FUL, the Reporter noted the prominent role Belford Church and its tower played in the field of view from Dean Bridge. It is also identified in the Appraisal as a focal point. The applicant has supplied 'before and after' views from Dean Bridge, a key view (16) contained within the Edinburgh Design Guidance, and other view information. This shows that the proposal will lead to the glimpsed view of Belford Church from the Dean Bridge being curtailed when seen from the Dean Bridge. A sliver of the full height of the church will still be glimpsed. Belford Church spire will remain a focal point. The view of the turret at end of Sunbury Mews will be more restricted on an approach from the west than at present. Views from and to Palmerston Place, Belford Road, Sunbury, Belford Bridge and other local views will be affected. The development does not adversely impact on the skyline of the key view C16) as it generally sits just below the tree line which is a protected feature in this view. A new glimpsed view will be formed through a proposed pend between Douglas House and Belford House, which is in keeping with the character of the area. The varied roofscape, which is in keeping with the area character, helps integrate the proposed scheme into the overall view and, on balance, the impact is acceptable.

The dominant historical spatial pattern of this part of the conservation area is of buildings which define the street edge. The former Sloan's garage on the proposal site extended to the corner of Sunbury Mews at a lower height than the currently proposal. This townscape pattern was altered by the erection of Belford House office extension in 1980, which included a landscaped corner. The current scheme follows the building line of Belford Road more closely than the existing office and partially restores the building line. This is an acceptable layout response.

The Edinburgh Urban Design Panel, in its report of 30 October 2013, considered that Douglas House made a positive contribution to the conservation area and strongly recommended that it was retained. The applicant amended the scheme to include that retention.

The retention of the traditional architecture of Douglas House, combined with the contemporary approach of the proposed new build, ties in to the Appraisal's reference to the 'mix of buildings' on Belford Road. The characteristic pedestrian linkages identified in the Appraisal are reflected in the retention of the informal public link on the north of the site.

### Archaeology

The site is likely to contain important archaeological evidence of the early 19th century Sunbury Distillery. In order to protect archaeological heritage, a programme of archaeological work is appropriate. This should be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Head of Planning and Building Standards. A condition to this effect is recommended.

## Edinburgh World Heritage

ECLP policy Env1 and LDP policy Env1 require the protection of the outstanding universal values (OUV) of the World Heritage Site and its setting. Edinburgh World Heritage Trust (EWH) was consulted on this application and broadly welcomed the (Scheme 1) proposal. Its concern was how the scale of the new build would relate to the conservation area, though EWH considered that this was more a matter for the Council to decide than a matter of OUV. The scale of the new build is considered immediately above.

While the site is not within an AGLV (Area of Great Landscape Value) in the local development plan, the site is near to a candidate Special Landscape Area (Water of Leith - New Town) in the LDP. Including the considerations detailed above, the proposal does not compromise the character, setting of, or views to the Water of Leith.

## Listed buildings

Special regard must be paid to the setting of listed buildings. There are various listed buildings in the area, though none on the site. The view from Dean Bridge is part of the setting of Belford Church. As described above, views will be altered. However, the church spire will remain a focal point. The setting of the adjacent listed mews is respected by the stepping down in scale of the proposal opposite. The proposal will not affect the setting of a listed building to the detriment of its appearance or character.

In summary, while the proposal will have an effect on the historic environment, it complies with policies and, on balance will not be materially adverse, subject to condition relating to materials, as discussed in 3.3.c) below.

## **c) Scale, Density, Design, Materials**

Scale is assessed in 3.3 b) above which concludes that the development has an acceptable scale for its context. The site's location in a central and mainly residential area together with the proposed creation of an attractive residential environment with appropriate amenity and reasonable proximity to public transport and other relevant services, supports the proposed housing density, as required in ECLP policy Hou 4 (Density).

## Design and Layout

The new-build elements are contemporary in approach and of an appropriately high design standard. The architecture references its context without imitating it. The proposed layout keeps the main building mass beside Belford Road, which is a reasonable layout in the context. The building footprint is compatible with the area and having undercroft car parking allows more green landscape on the rear of the site. The reduction in size of the landscaped area in front of Belford House will reduce glimpsed views but is acceptable given the overall layout and impact on the historic environment discussed in 3.3 b) above.

## Materials

The proposed materials of sandstone, slate, brick, metal and render, with aluminium windows, are of an appropriate breadth, quality and character for the conservation area and general surroundings. A condition is recommended to allow detailed consideration of materials, with on-site sample panels.

## Landscaping and public realm

The proposed landscaping scheme is acceptable and appropriate tree protection measures are proposed. The site proprietor will maintain the proposed new landscaping. The applicant has produced a maintenance schedule, which is available to view on Planning and Building Standards Online Services.

### **d) Neighbouring amenity**

The application site is in close proximity to a number of residential properties. ECLP policy Des 3 (Development Design) provides that the amenity of neighbours should not be materially harmed by new development. This policy is supported by the Edinburgh Design Guidance which states: *It is important that buildings are spaced far enough apart that reasonable levels of daylight and sunlight can be achieved. However, care should be taken that buildings do not become so far apart that the so townscape becomes uninteresting. Therefore achieving reasonable amenity needs to be balanced against achieving good townscape.* The site is in a part of the city where buildings do sit closely together.

The applicant has prepared detailed assessments of the proposal's effects in terms of relevant daylighting and sunlight impacts for existing and future residents. These assessments can be viewed on the Planning and Building Standards Online Services.

Representations have been made about the proposal's impact on residential amenity. These include references to planning conditions on the Belford House development of 25 years ago which referred to the amenity of adjacent property. Current planning applications are assessed under current planning policy and guidance.

## Daylighting

The applicant's detailed study (Daylighting Impact Analysis) tests existing residential windows facing onto the site. This includes the mews buildings on the south of Belford Road. The study shows that while there will be a noticeable impact on the daylight available to surrounding dwellings, the daylighting in all affected rooms will meet the requirements of the Edinburgh Design Guidance. There will be adequate daylight because the average daylight factor for each of the affected rooms meets the requirements of the guidance.

Because of the relatively open aspect that results from the stepped back section of the building at its corner, the proposal has an acceptable impact on daylighting to the side facade of the adjacent tenement at the corner of Belford Road and Sunbury Street.

## Sunlight

The Edinburgh Design Guidance (EDG) recommends that buildings should be set out so that reasonable levels of sunlight are maintained to existing gardens and spaces. The applicant's submitted analysis (within the 'Daylight Assessment' study) calculates the proposal's impact at the spring equinox. It shows that six gardens in Sunbury Place will have reduced sunlight. Three of the six affected gardens would comply with the Edinburgh Design Guidance (EDG) recommendations for sunlight in new gardens. The report shows that all six affected gardens would have at least 80% of the sunlight they currently experience and would comply with BRE (Building Research Establishment) guidance for sunlight in gardens. Given the urban and fairly dense context, the effect of the proposal on sunlight to existing gardens is acceptable.

Sunlight to windows is not an Edinburgh Design Guidance requirement however, the applicant has provided calculations in the Sunlight Analysis which show the effects on neighbouring windows. 104 windows were looked at. Of the neighbouring windows assessed, 24 currently do not receive the 25% of annual probable sunlight hours (APSH) that the BRE Guidance seeks. As a result of the proposals, a further 10 windows will fall below this recommendation. The affected rooms are generally to the north of the proposed development. While there would be some loss to the amenity of these dwellings as a result of the impact on sunlight, taking into account the adequacy of the daylight to these dwellings and the built-up nature of the locality, the site levels and orientation, this is not a matter that would justify a refusal of the application.

## Privacy

The proposal follows the street building line on Belford Road. The proposed building line on Sunbury Mews gives a minimum distance of approximately five and a half metres. This is appropriate for a mews area. On the north, adjacent Sunbury Place properties are beside an existing office, car park and public access route. There is a substantial degree of existing overlooking, while trees and landscaping provide some screening. Concern has been expressed that, even at the formerly used 18 metres distance, 'perceived' privacy loss would adversely affect existing residents' privacy. The Edinburgh Design Guidance takes account of context and does not require a privacy distance of 18 metres window to window. In the relatively dense urban context the privacy distances are acceptable.

In summary, residential amenity will be affected. This is because there will be a noticeable loss of daylight in some dwellings and because of the reduction to sunlight to some windows. However, given the site's context, the effects do not justify a refusal of planning permission.

### **e) Future occupier amenity**

#### Daylighting, sunlight and privacy

The applicant has carried detailed studies of the new development and the levels of light available to future occupiers. These show that 96% of the proposed rooms will receive adequate daylight in accordance with Edinburgh Design Guidance recommendations.

There is therefore a small percentage that will not fully meet the levels sought by guidance. However, given the tight urban grain and historic context, in this instance this infringement of guidance is acceptable.

The applicant has provided information showing that the rear landscaped area of the site will not achieve the EDG's minimum recommended level of sunlight. Taking into account the site topography and urban context, including proximity to recreational areas of good amenity (such as the Water of Leith Walkway and the grounds of the Galleries of Modern Art) the relative lack of sunlighting to new garden space is acceptable on balance. Future residents would have an acceptable level of privacy in the urban context.

### Noise

Environmental Assessment recommends that noise mitigation measures are implemented in terms of the Noise Impact Assessment submitted by the applicant. In order to protect future residential amenity of occupants, a condition to that effect is recommended. The standard of inaudibility requested by Environmental Assessment is too high to be reasonably enforceable in planning terms in a relatively dense urban environment and therefore it cannot be applied. It is recommended that the applicant satisfies itself that noise from all plant complies with NR25 within the nearest residential property (with window partially open for ventilation purposes). Environmental Assessment also recommends that the opening hours of the proposed commercial unit are restricted to daytime hours, Monday to Friday, in order to protect the amenity of future residents. A condition is recommended to this effect.

### Open and play space

Policy Hou 3 of the ECLP seeks 10 sqm of open space per flat. The Edinburgh Design Guidance explains that where it is difficult to achieve the areas normally sought for private open space - for example, because of a need to adhere to a spatial pattern in an area, the inclusion of balconies or roof terraces may be seen as a mitigating measure. In this instance, 20 of the 47 flats will have balconies or terraces. There is public open space formed as a roof terrace. It measures 420 sqm and is located above the lower level car park. This public space will be able to be used by residents.

In addition, the site is close to the Water of Leith and access to the walkway is available by a nearby footbridge at Sunbury Mews. There are also the grounds of the Modern Art Gallery which satisfy the local and large Greenspace standards in the Council's CEC Open Space Strategy. The scheme shows an area of public open space in the north part of the site. Given the central urban context outlined above and the quantity and quality of nearby and accessible green space, the infringement of policy, in respect of private open space, is acceptable.

### Contaminated land, lighting, air quality

A condition is recommended to ensure future occupier safety in respect of potential land contamination. Elements of lighting are included in the landscape details. An informative is suggested regarding suitable lighting of the publicly accessible path on the north of the site. Environmental Assessment has not raised concerns about air quality arising from the proposal.

## **f) Traffic and road safety**

The applicant has submitted a swept path analysis demonstrating adequate turning space for cars into and within the site. Refuse and emergency vehicles will not access the car park. Waste bins will be emptied from Sunbury Mews. The applicant has also submitted a Transport Statement in support of the application. It indicates that there is no significant adverse traffic impact generated by the proposal. The Council's Transport team has considered the transport information and is satisfied with it. Vehicle movement, congestion and parking have been considered. The consideration includes potential issues arising at the junction of Belford Road and Douglas Garden, and at Sunbury Place and Sunbury Mews. Adverse safety issues are not anticipated and no additional traffic management measures are recommended. The Scottish Fire and Rescue Service was consulted and has not raised an objection.

### Cycle and pedestrian

The site is well located for pedestrian and cycle access to the city centre and recreational areas, including the Water of Leith Walkway. The applicant has confirmed that public footpaths adjacent to the site will be a minimum of two metres wide. The retention of the informal public path on the north of the site will assist pedestrian access through the local area. Cycle parking will comply with Council guidelines.

### Public transport

The site is well situated for access to reasonable bus, tram and rail services.

Transport has requested a contribution of £55,857 towards tram works. This would be the appropriate sum if the site was vacant and within contribution Zone 3. On 6 August 2015 the Planning Committee approved a draft update to *Guidance on Developer Contributions and Affordable Housing* (the draft guidance) for consultation and for use in determining planning applications. The draft guidance states, 'those sites based on the shortest walking distance between any part of the site and the nearest part of a tram stop lying between 500 metres and 750 metres are Zone 3' (p 20.). The nearest point of the site is over 750 metres from the nearest tram stop (Haymarket), putting the site outwith Zone 3.

A Tram contribution may be requested for development beyond Zone 3, if warranted by the development's scale and likely travel demands. In the absence of any identified and evidenced special factors, it is reasonable to use contribution Tables 1 and 2 of the draft guidance to indicate the likely relative impact of a development for contribution purposes. Following the tables, an application for the current office use in Zone 3 would trigger the request for a tram contribution of £163,392. This sum is much higher than the contribution required for the proposed use (£55,857). The draft guidance, (at Part 3, D) provides that such a change of use in Zone 3 would give a negative sum and no contribution would be payable. It is therefore not reasonable to ask for a Tram contribution in this instance.

## Car parking

The site is within Parking Zone 1 and the application complies with the Council's parking standards and provides for its residents' parking on site. New residential properties in the Central and Peripheral Controlled Parking Zone (CPZ), Zones 1 to 8, are not eligible for residents' parking permits, so impact on existing resident on-street parking entitlement should be limited. Sunbury Mews is within Parking Zone 2.

Representations have commented on a condition which was placed on the planning consent for the existing office development in the 1980s. This required the proposed office car park to be made available at weekends and evenings to residents of an adjacent new housing development. The present application complies with the current parking standards. A replication of the 1980s condition is not appropriate as such a condition would be unenforceable.

## Other transport matters

The proposal does not represent a significant increase in traffic generation. Therefore there is no planning requirement to enter into a Travel Plan agreement in order to permit this development. However, if the applicant wishes to pursue a Travel Plan through Transport, it may do so and an informative to this effect is proposed.

Transport has requested that a bus tracker monitor is displayed in the reception area of the commercial office space. While the installation of a bustracker monitor is not necessary for the proposed development to go ahead, it may be of use to office workers. An informative recommending that prospective commercial occupants consider installing a bus tracker monitor is advised.

In summary, the transport and road safety implications are acceptable, subject to the informatives specified above.

## **g) Sustainability**

The applicants have submitted a sustainability statement 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>

## Desirable Elements

In addition the applicant has given a commitment to the inclusion of additional sustainability measures, such as the use of sustainably sourced timber. An on-site electric vehicle charging point would support sustainability and an informative to that effect is recommended.

The proposals comply with the sustainability provisions of the Edinburgh Design Guidance.

## **h) Flooding and drainage**

Scottish Water and SEPA were consulted. Neither raised an objection to the application. Flooding does not raise an objection to the application. To prevent any surface water flows from entering the car park in the event of heavy rainfall the applicant has been asked to place an interceptor channel drain across the entrance to the car park.

Flooding and drainage provisions are acceptable.

## **i) Other material issues**

### Education

New housing development which would generate additional demand for school places that cannot be met in schools serving the development is expected to make a financial contribution. This is to meet the cost of providing the necessary extra place/s. The second Proposed Local Plan (Second LDP) says that a developer contribution is required for a development if: (a) it will have a net impact on infrastructure capacity; and it is necessary to mitigate that impact by improving existing or providing new infrastructure. The site is not within a contribution zone in the Second Proposed Action Programme.

The pupils estimated to be generated by the proposal are:

Catchment School	Predicted Pupil Generation
Flora Stevenson Primary	3
Broughton High School	2
St Mary's (Edinburgh) RC Primary	1
St Thomas of Aquin's RC High School	0

Children and Families expects that both primary schools can accommodate the pupils generated by the development. It predicts that Broughton High School cannot accommodate the two additional secondary school pupils liable to be generated. It has requested a developer contribution of £29,680 for each of the two pupils (total contribution £59,360), index linked to Quarter 1, 2015 and subject to future inflation uplift beyond that point using the normal BCIS All-in TPI. This would be applied towards alleviating the pressure on Broughton High School. The contribution requested is reasonable and will be secured through a legal agreement.

Police Scotland was consulted and did not raise an objection to the application.

### Natural Heritage

A bat survey was carried out. It concluded that Belford House and Douglas House offer few opportunities for roosting bats and there are better alternatives locally. As recommended in the report, precautionary measures should be undertaken to protect bats.

An informative is recommended which states that the roofing material is removed by hand until it is established that there is no current use by bats in the areas identified in the report:

The proposal is suitable for swift bricks. Inclusion of these could improve biodiversity and an informative is recommended to that effect.

There are no reasons related to ECLP policy Env 16 (Species protection) that this application should not be granted.

Police Scotland was consulted and did not raise an objection to the application.

The education and natural heritage impacts are acceptable subject to a legal agreement securing a developer contribution towards education provision.

### **j) Equalities and human rights**

The proposal will provide much-needed housing, and a contribution towards affordable housing. There is suitable access for the disabled to the proposed commercial unit and residential accommodation. Parking for the disabled is provided on the site. The increased overshadowing of some neighbouring properties will not have a significant negative impact in terms of rights to life or health.

Overall, the proposal will have a beneficial impact on equalities and human rights.

### **k) Representations**

The application (Scheme 1) was advertised on 14 November 2014. Twenty-nine representations were received (including two from one person): 28 objecting and one supporting. These included comments from the Cockburn Association, the Dean Village Association, the Stockbridge and Inverleith Community Council and the Sunbury Place Proprietors Association.

Following amendments to Scheme 1, the amended scheme (Scheme 2) was advertised on 31 July 2015. Fifteen further letters of representation were received: 12 objecting, one neutral, one supporting and one advising on swifts. The representations included comments from the Cockburn Association and the Stockbridge and Inverleith Community Council. One late representation was received.

Representation raised the following issues:

#### **Material Representations - Objection**

(Where comments refer only to Scheme 2, these are marked 'S2').

#### ***Use***

- Housing mix -addressed in section 3.3(a) and found to be reasonable.
- Commercial element-addressed in section 3.3(a) and found to be appropriate.
- Demolition - Belford House in keeping with surroundings. -addressed in section 3.3(a).

- Adverse effect on economic development of Edinburgh - addressed in section 3.3(a).

#### *Historic context*

- Universal values of the Edinburgh World Heritage Site - assessed in section 3.3b) and found that these are not adversely affected.
- Compatibility with historic context, including roofscape - assessed in section 3.3b) and found acceptable.
- Adverse impact on setting of listed buildings - assessed in section 3.3b) and found acceptable.
- Adverse impact on wider townscape, conservation areas and Edinburgh World Heritage Site, including views from Dean Bridge and Art Galleries - assessed in sections 3.3b) and found acceptable.
- Setting of and views to Water of Leith compromised - assessed in section 3.3b) and 3.3c) and found acceptable. (Note that current local plan is the ECLP, not CELP).
- Contrary to policies for AGLV - addressed in 3.3b) and found acceptable.

#### *Design*

- Design - assessed in sections 3.3b) and c) and found that design is appropriate for the area.
- Height of new building - assessed in section 3.3c) and found to be acceptable.
- Scale, footprint and density - assessed in sections 3.3b) and c) and found to be acceptable.
- Dark coloured materials not supported (S2) - condition recommended in section 3.3.c) for proposed materials to be examined on sample panels on site.
- Views - assessed in section 3.3b) and found acceptable on balance.

#### *Amenity*

- Overshadowing of residential property - assessed in section 3.3(d) and found that there will be increased overshadowing of some properties.
- Overshadowing of residential property - assessed in section 3.3d) and found that there will be increased overshadowing of some properties.
- Reduction of daylight to residential property - assessed in section 3.3(d) and found that there will be a reduction of daylight in certain properties, within the requirements of the Edinburgh Design Guidance.
- Douglas Garden Mews not taken account of - addressed specifically in section 3.3d) and included in assessment generally.
- Planning conditions on Belford House development 25 years ago - assessed in section 3.3d). Current planning applications are assessed under current planning policy and guidance.
- Lack of sunlight analysis (S2 only) - supplementary evidence provided and addressed in section 3.3d).
- Loss of sunlight will adversely affect room temperature and lighting costs (S2) - daylight and sunlight addressed in section 3.3.d) and found acceptable.
- Labelling of supporting evidence incorrect - Sunlight to gardens included in Daylight Assessment and amenity dealt with in section 3.3.d).

- Privacy - assessed in section 3.3d) and found acceptable.
- Reduction of greenery on site detrimental to area and outlook of current residents (S2) - addressed in new landscaping proposal and found appropriate.
- Noise - assessed in section 3.3d) and found acceptable subject to condition.
- Air quality - addressed in section 3.3d) and no issue raised by Environmental Assessment.
- Lack of playspace - addressed in 3.3e) and found acceptable.

### *Traffic and parking*

- Vehicle movement, alteration of sight lines, additional traffic and parking will cause safety issues - addressed in section 3.3f) and found that adverse safety impacts are not anticipated.
- Transport report insufficient - addressed in section 3.3f). Transport is satisfied with report.
- Transport Statement refers only to Zone 1. Sunbury Mews is Zone 5 - addressed in section 3.3f). Site is within Zone 1. Sunbury Mews in Zone 2.
- Number of car parking spaces inadequate - addressed in section 3.3f). Parking complies with the Council's Parking Standards.
- Traffic management - addressed in section 3.3f) - no additional measures necessary.
- Increase in vehicle size - Parking complies with the Council's Parking Standards.
- Site opening for vehicles too narrow (S2) - addressed in section 3.3f) and found acceptable.
- Inadequacy of bus service - addressed in section 3.3f) and found sufficient for proposed use.
- Traffic congestion, including Belford/ Palmerston Place cross city route - addressed in section 3.3f). No significant traffic impact anticipated.
- Long term arrangement under the conditions of the planning consent for the existing office building, for residents to park in the office car park at out of office times - addressed in section 3.3f). Replication of condition is inappropriate under current planning policy and guidance. If neighbours wished to pursue parking 'usage precedent' as a civil legal matter, it would be a separate issue from Planning.

### *Other*

- Sustainability - addressed in section 3.3g). Proposal complies with required standards.
- Drainage - addressed in section 3.3h) and found to be acceptable.
- Period for comment (S2) insufficient as in school holidays - statutory requirements were met. Details of the application were available on Planning and Building Standards online services.
- Drawing 31a does not show the height behind 56 Belford Road clearly (S2). Height detailed in other drawings and assessed in section 3.3b).
- Swift nesting sites should be considered (S2)- addressed in section 3.3i) and an informative about swift nesting bricks recommended.

## Material Representations - Support

- Retention of Douglas House supported - addressed in section 3.3b).
- Height of west new-build, apparent stepping down of Belford Road frontage appropriate to context (S2) - addressed in section 3.3b).
- Lower blocks along Sunbury Mews acceptable in scale and massing (S2) - addressed in section 3.3b).

## Non- material Representations

- Property and rental values reduced - not material Planning issues.
- Disruption caused by building works - not relevant to Planning process.
- Boundary of site application excludes area adjacent to Sunbury Place (concern about elm tree and privacy) - Planning applications are not required to reflect ownership boundaries. A tree protection plan and recommended condition should adequately protect neighbouring trees.
- Inconsiderate parking behaviour in area - responsibility of individual car drivers and roads enforcement authority.
- Non-compliance with policies in previous local plan (CELP CD11, 12, 13, 134, H7, H11) - current applications are assessed against current Planning policy and guidance. Relevant policies in current plan are considered.

## **Community Council**

The West End Community Council, as statutory consultee, was consulted and supports the application in general, subject to objection raised about details of the revised proposal:

- Powder coated aluminium windows are inappropriate for Douglas House.
- Dormer style on Douglas House inappropriate in scale and form.
- Additional skylights to Douglas House visible on skyline from southern approach.
- Some Sunbury residents consider new-build corner block too high.
- Impact of proposal on daylight/sunlight of Sunbury windows should be considered.
- Local bus provision should be improved and a developer contribution may be appropriate.

A late representation was received from the owner of Douglas House. It objected to Scheme 2 on the basis that the current owner did not wish to sell Douglas House and the proposal was unlikely to proceed as a whole.

## Conclusion

The proposal is in accordance with the development plan and the Council's non-statutory guidance. There is a minor infringement of guidance in respect of sunlight and daylight, however given the site's built-up context, this infringement is not sufficient to justify refusal of planning permission.

The conversion, extension and proposed new-build are acceptable in terms of scale, form and design and will not be detrimental to the setting of listed buildings, the conservation area or the universal values of the Edinburgh World Heritage Site. The proposed demolition, use and impact on amenity are acceptable. The recommended conditions will ensure the protection of archaeological heritage, residential and area amenity and natural heritage. A legal agreement will secure appropriate developer contributions to education and affordable housing. The proposals are acceptable and there are no material considerations that outweigh this decision.

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 and Building Standards.
2. The tree protection plan, as identified on Drawing 39 shall be fully implemented before the start of development and throughout it.
3. 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 before work is commenced on site. Samples and on-site sample panels of the materials may be required. The development shall be carried out in accordance with the agreed specification.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
5. The following noise protection measures for the proposed development, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (Ref R-6487-RGM-CS), dated 3 February 2015:
  - Within the commercial unit and level -1 flat below, an independent ceiling shall be constructed consisting of two staggered layers of 15mm plasterboard fixed to new timber ceiling joists.
  - The cavity of the proposed ceiling must be a minimum depth of 200 mm and with 100mm mineral fibre quilt incorporated within the cavity. An acoustically absorbent tiled ceiling should be installed below the plasterboard ceiling in the commercial unit.
  - In the commercial unit no services should puncture the proposed plasterboard ceiling. Any services should be contained within the lower tiles ceiling, below the proposed plasterboard ceiling.
  - Independent wall linings shall be built around the external walls within the commercial unit.

- The wall linings must consist of 48 mm studs built off the floating floor. The stud must incorporate a minimal 50 mm mineral fibre quilt and be closed with 15 mm plasterboard. The wall linings must not come into contact with the existing walls.
  - A floating floor must be installed within the commercial unit. The floating floor should comprise of acoustic cradles creating a 100mm void, this must be filled with 75mm insulation. The floor should be finished with 19mm plasterboard plank, 22mm chipboard and 12mm plywood. A perimeter isolation strip must be installed.
  - No speakers to be directly fixed to the walls or ceiling.
  - shall be carried out in full and completed prior to the first occupation of the associated commercial unit or any part of it.
6. The opening hours of the commercial unit will be restricted to the hours between 07.00 to 19:00 Monday to Saturday only.
7. i) Prior to the commencement of construction works on site:
- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
- b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

**Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard protected trees.
3. In order to enable the planning authority to consider these matters in detail.
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to protect the amenity of the occupiers of the development.
6. In order to protect the amenity of the occupiers of the development.

7. 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. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures on Broughton High School. A developer contribution of £59,360 is due, index linked to Quarter 1, 2015 and subject to future inflation uplift beyond that point using the normal BCIS All-in TPI. The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. Permission shall not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy. A commuted sum of £312,500 is to be taken in lieu of all of the affordable housing requirement. The payment (indexed) would be phased as 50 per cent before commencement of construction of phase one, and the remainder prior to the commencement of construction of phase two on the principal site.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

3. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
4. 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.
5. 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.
6. It is advised that the roofing material be removed by hand until it is established that there is no current use by bats in the areas identified in the report. i.e:
  - under flashings, behind hanging slates and under ridge coverings.
7. It is recommended that that the applicant is satisfied that noise from all plant complies with NR25 within the nearest residential property (with window partially open for ventilation purposes).
8. An on-site electric vehicle charging point is recommended. Charging outlets (wall or ground mounted) 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.

9. It is recommended that the developer gives careful consideration to installing appropriate lighting along the path on the north of the site.
10. The developer may consider it appropriate to seek agreement for a Green Travel Plan with the Council's Transport Section.
11. The applicant is advised to consider installing a bus tracker monitor in the reception area of the commercial space and to note the advice in the Transport consultation letter dated 4 August 2015 on footways, dropped kerbs and works to Belford Road.
12. The developer may wish to consider installing swift boxes.

## **Financial impact**

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### **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**

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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 advice was given by the Council as planning authority on issues which included the acceptability and impacts of the design, layout and materials,

A proposal of application notice was submitted and registered on 17 June 2013 (reference 13/02767/PAN). Copies of the notice were also issued to:

- West End Community Council
- Councillor Nigel Bagshaw
- Councillor Gavin Barrie
- Councillor Lesley Hinds
- Councillor Iain Whyte
- Councillor Karen Doran
- Councillor Joanna Mowat
- Councillor Alasdair Rankin
- Inverleith Neighbourhood Partnership
- Dean Village Association
- Douglas Gardens Residents Association

A public exhibition was held on 28 August 2013. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online Services.

A pre-application report on the proposals was presented to the Committee on 6 November 2013.

The proposals were submitted to the Edinburgh Urban Design Panel on 30 October 2013. Full details of the response can be found in the Consultations section.

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

The application was advertised on 14 November 2014. Twenty-nine representations were received (including two from one person): 28 objecting and one supporting. These included comments from the Cockburn Association, the Dean Village Association, the Stockbridge and Inverleith Community Council and the Sunbury Place Proprietors Association.

Following amendments to the scheme, the application was re-advertised on 31 July 2015. Fifteen further letters of representation were received: 12 objecting, one neutral, one supporting and one giving biodiversity advice. These included comments from the Cockburn Association and the Stockbridge and Inverleith Community Council. One late representation was received.

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

The West End Community Council, as statutory consultee, was consulted and supported the application in general, subject to objection raised about details of the proposal.

## 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 application site is identified in the Edinburgh City Local Plan as within the Urban Area, the Edinburgh World Heritage Site and the Dean Conservation Area.

Draft update to Non-statutory guidance on Developer Contributions and Affordable Housing, approved by Committee on 6 August 2015.

Scottish Planning Policy, published 23 June 2014 Paragraph 33 states, ' Where relevant policies in a development plan are out-of-date<sup>22</sup> or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP.'

Paragraph 29 sets out guiding principles for policies and decisions.

- giving due weight to net economic benefit; responding to economic issues, challenges and opportunities, as outlined in local economic strategies; supporting good design and the six qualities of successful places; making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities; supporting delivery of accessible housing, business, retailing and leisure development; supporting delivery of infrastructure, for example transport, education, energy, digital and water; supporting climate change mitigation and adaptation including taking account of flood risk; improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation; having regard to the principles for sustainable land use set out in the Land Use Strategy; protecting, enhancing and promoting access to cultural heritage, including the historic environment; protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; reducing waste, facilitating its management and promoting resource recovery; and avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.'

**Date registered**

31 October 2014

**Drawing numbers/Scheme**

1A-5A,6B,7A-13A,14,15,16B,17A,18B,19B,20A-24A 25B 26B 27A

## **David R. Leslie**

Acting Head of Planning and Building Standards

Contact: Eileen McCormack, Planning Officer

E-mail: eileen.mccormack@edinburgh.gov.uk Tel: 0131 529 3609

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

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

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

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

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

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

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

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

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

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

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

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

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 Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

Policy Ret 5 (Out of Centre Retail Development) identifies the circumstances in which out-of-centre retail development will be permitted.

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

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a 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 Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

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 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

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

Policy Env 16 (Species) sets out species protection requirements for new development.

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

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

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

### **Relevant policies of the Proposed Local Development Plan.**

Proposed Local Development Plan Policy Emp 9 sets criteria for assessing proposals in sites currently or last in use for employment purposes.

Second Proposed LDP Policy Env 1 (Old and New Towns World Heritage Site) protects the quality of the World Heritage Site and its setting.

Second Proposed LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

**The Dean Conservation Area Character Appraisal** emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

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

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

# Appendix 1

## **Application for Planning Permission 14/04512/FUL At 59, 60 Belford Road, Edinburgh, EH4 3UE Demolition of Belford House + redevelopment of site for residential development + class 1 (retail), class 2 (financial, professional + other services) and/or class 4 (business) use (inc. change of use, conversion + extension to Douglas House) + other associated works (as amended July 2015)**

### **Consultations**

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#### **Affordable Housing - response dated 11/11/2015**

*Please consider this to be the formal final consultation response regarding the affordable housing policy outcome for this application.*

*The applicant outlined early on in discussions that the construction costs were considerably higher than average on this development, due to the renovation required, the presence of listed buildings and the requirement to use conservation area materials.*

*A key principle of the Affordable Housing Policy is that any affordable homes should be tenure blind, constructed with the same materials as the market homes so that they blend in and cannot be identified by their external appearance.*

*The Council asked the developer to produce their construction costs, and per unit they were comfortably more than double the cost of what affordable housing providers could expect to raise in order to construct a property.*

*There is a considerable risk that, if the regular AHP process was to be followed, and the developer was to gift the land to an AHP developer, then the AHP developer could not afford to build a like for like property on this site, given the conservation area constraints and costs.*

*In such circumstances as AHP land is conventionally transferred at nil value but on a use it or lose it time limited basis there is a significant risk that the AHP developer could not afford to build the homes, and that the land would be returned at nil value to the developer, with no AHP resource emerging from this development.*

*In such circumstances, and specifically for renovation projects, the AHP makes allowance and contains a number of alternative flexible approaches.*

*The department is satisfied that the construction costs submitted were accurate, having had those checked by colleagues in Estates and Corporate Property. The developer has offered to pay a commuted sum, calculated in line with policy, and phased in line with the two clear phases of the construction project.*

*This can be secured through a Section 75 legal agreement. The sum to be paid overall is £312,500 and the developer has confirmed that they will sign up to this. The payment would be phased as 50% before commencement of construction of phase one, and the remainder prior to the commencement of construction of phase two on the principal site.*

*The department is supportive of this outcome and would recommend this application for approval regarding the AHP provision.*

## **Archaeology**

*The site is situated on the southern bank of the Water of Leith within north-western limits of the Georgian New Town, an integral part of Edinburgh's UNESCO World Heritage Site. The World Heritage Site is recognised not only for its importance in terms of its outstanding built heritage but also for its nationally significant medieval and later urban archaeological remains. This section of the Water of Leith between Bell's Mill and Dean Village has been associated with milling since the medieval period.*

*During the 19th century the area became associated with distilling. The 1850's 1st Edition OS map shows the development site as occupying and forming part of the Sunbury Distillery founded in 1813 by James Haig. The distillery was one of the biggest in Scotland at the time until it was bought and moved by Graham Munroe to form the Caledonian Distillery in 1856. The current site comprises two main interlinked elements, to the eastern a range consisting of a modern brick built offices (Belford House) and to the west a 1930's stone built offices (Douglas House), originally designed and constructed by Dick, Peddie & MacLaren as car showrooms and garages for Sloans.*

*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) policies ENV4, ENV8 & 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 proposed development scheme will see the demolition of the modern Belford House and the welcome retention and conversion of Belford House, which although unlisted is in my opinion both contributes significantly to the local character of this section of the World Heritage site and is in its own right of local archaeological importance (being an early pre-war WWII example of a purpose built car show room.).*

*The proposed conversion of Douglas House will have a low-moderate impact and works could reveal elements of the earlier car-show room. As such it is recommended that a historic building survey (annotated plans/elevations, photographic and written survey & documentary research) is undertaken prior to and during alterations in order to provide a record of this structure. This programme of recording will form part of the overall programme of archaeological works recommended below.*

*Although the site has been affected by modern development, it is considered that the site is still likely to contain important archaeological evidence regarding the early 19th century Sunbury Distillery and possibly also earlier milling activities.*

*The proposed development will require significant large scale ground breaking /engineering works which would have a significant affect upon any potential surviving buried remains. However having assessed the overall impact of this application it is considered that this application has a potential moderate-low impact upon any surviving buried archaeological assets.*

*Accordingly it is recommended that a programme of archaeological work is undertaken prior to development / demolition commencing. In essence this will require the undertaking of an initial phase of archaeological evaluation (up to a maximum of 10% of the available site). The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains.*

*It is recommended therefore that the following condition is attached to this consent to ensure that a programme of archaeological works is undertaken to excavate, record and analysis any significant buried remains that may be affected during development;*

*'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, reporting & analysis, 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.*

### **Archaeology - response dated 31/07/2015**

*Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the demolition of Belford House and redevelopment of site for residential development and class1, class 2 and / or class 4 use (including change of use, conversion and extension to Douglas House) and other associated works (as amended July 2015).*

*Having assessed the amended application I can confirm that the comments made in my earlier 2014 consultation response remain unaltered namely:*

*The site is situated on the southern bank of the Water of Leith within north-western limits of the Georgian New Town, an integral part of Edinburgh's UNESCO World Heritage Site. The World Heritage Site is recognised not only for its importance in terms of its outstanding built heritage but also for its nationally significant medieval and later urban archaeological remains. This section of the Water of Leith between Bell's Mill and Dean Village has been associated with milling since the medieval period.*

*During the 19th century the area became associated with distilling. The 1850's 1st Edition OS map shows the development site as occupying and forming part of the Sunbury Distillery founded in 1813 by James Haig.*

*The distillery was one of the biggest in Scotland at the time until it was bought and moved by Graham Munroe to form the Caledonian Distillery in 1856. The current site comprises two main interlinked elements, to the eastern a range consisting of a modern brick built offices (Belford House) and to the west a 1930's stone built offices (Douglas House), originally designed and constructed by Dick, Peddie & MacLaren as car showrooms and garages for Sloans.*

*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) policies ENV4, ENV8 & 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 proposed development scheme will see the demolition of the modern Belford House and the welcome retention and conversion of Belford House, which although unlisted is in my opinion both contributes significantly to the local character of this section of the World Heritage site and is in its own right of local archaeological importance (being an early pre-war WWII example of a purpose built car show room.).*

*The proposed conversion of Douglas House will have a low-moderate impact and works could reveal elements of the earlier car-show room. As such it is recommended that a historic building survey (annotated plans/elevations, photographic and written survey & documentary research) is undertaken prior to and during alterations in order to provide a record of this structure. This programme of recording will form part of the overall programme of archaeological works recommended below.*

*Although the site has been affected by modern development, it is considered that the site is still likely to contain important archaeological evidence regarding the early 19th century Sunbury Distillery and possibly also earlier milling activities. The proposed development will require significant large scale ground breaking /engineering works which would have a significant affect upon any potential surviving buried remains. However having assessed the overall impact of this application it is considered that this application has a potential moderate-low impact upon any surviving buried archaeological assets.*

*Accordingly it is recommended that a programme of archaeological work is undertaken prior to development / demolition commencing. In essence this will require the undertaking of an initial phase of archaeological evaluation (up to a maximum of 10% of the available site). The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains.*

*It is recommended therefore that the following condition is attached to this consent to ensure that a programme of archaeological works is undertaken to excavate, record and analysis any significant buried remains that may be affected during development;*

*'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, reporting & analysis, 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.*

## **Economic Development**

### *Strategy for Jobs*

*Edinburgh's economic strategy, "A Strategy for Jobs 2012-17" aims to achieve sustainable economic growth through supporting the creation and safeguarding of jobs in Edinburgh. A key element of delivering jobs-driven economic growth is the provision of an adequate supply of workplaces.*

*The proposed demolition of Belford House (23,070 sq ft) and renovation of Douglas House (3,053 sq ft) represents a substantial loss of office space, totalling 26,123 sq ft. For context, this is of a comparable scale to Ediston Real Estate's development at 145 Morrison Street (27,000 sq ft). An office development of this scale could, if fully let, be expected to direct support approximately 200 full-time equivalent employees.*

*The site is slightly outside what is typically regarded as Edinburgh's central business district. The streets immediately to the southeast of the site have a mixture of residential and office uses. The site is peripheral to Edinburgh's main area of employment. Melville Street, which lies approximately 400 metres southeast of the site, is home to a substantial cluster of financial and professional services firms.*

*Belford House is currently occupied by the Health and Safety Executive, while Douglas House is currently occupied by UNISON. It is understood that both leases expire in November 2017.*

*Belford House was constructed in the 1980s, while Douglas House is an Edwardian building that was refurbished in 1981. It is acknowledged that neither building is likely to be attractive to large institutional occupiers, who favour large, open floor-plates; high energy efficiency; prime locations; and modern amenities and fit-outs. However, no evidence has been presented to indicate that the properties could not be let as lower-cost office space, for which there is strong demand. A Conservation Area Consent application for the removal of Douglas House and Belford House considered by the Council's Development Management Sub-Committee in 2011 stated of Douglas House, the building is currently in use as an office and there is no suggestion that any section of the building is in poor condition. While the buildings are realistically no longer 'prime' stock, it is not clear that they have reached the natural end of their working lives and are essentially 'un-lettable'.*

*In recent years, a substantial quantity of office space in Edinburgh has been redeveloped for other uses (primarily residential). In 2013, the Council's planning information team recorded consent being granted for the redevelopment of 217,259 sq ft of office space, with applications made for the redevelopment of a further 91,407 sq ft. This trend has eroded Edinburgh's supply of low-cost office space. It is noted that large, open-plan, high rent offices are not suitable for the majority of users and that over 80% of all office leases concluded in Edinburgh are for small units of below 10,000 sq ft. Maintaining a supply of lower cost office is necessary to accommodate early-stage companies and other companies unable to afford prime office space. This issue is compounded by the weak forward development pipeline, with the scale of office space on course to be delivered over the next several years considerably below trend.*

*The demolition of Belford House and renovation of Douglas House therefore represents the loss of 26,123 sq ft of office space. The proposed development would replace this with a maximum of 2,000 sq ft of office space.*

#### *Commentary on Proposed Uses*

*- Shops/financial, professional and other services/business (Class 1,2 or 4)  
The proposed development would deliver approximately 2,000 sq ft (185m<sup>2</sup>) of gross floorspace for commercial uses (classes 1, 2 and/or 4). The limited scale of this element of the development means it is unlikely to have a significant economic impact. Depending on the specific use class, a development of this scale could be expected to support between 10 and 15 jobs.*

*The EDS regards the modest commercial space delivered by the development as unsatisfactory, representing as it does a net loss in employment space of approximately 24,000 sq ft. It is noted that an earlier (rejected) proposal for the redevelopment of the site from 2009 (reference 09/01803/FUL) would have incorporated a more substantial 8,800 sq ft (816m<sup>2</sup>) of office space.*

*It is noted that classes 1, 2 and 4 cover an extremely broad range of activities, some of which may not be regarded as appropriate for the area in question. As the site is already well-served by the city centre in terms of shops, bank branches, etc, any uses of this sort could be expected to displace some activity elsewhere in the city. Consent solely for class 4 uses would offer greater surety over the end uses of the unit(s) in question and reduce the likelihood of displacement.*

*It is noted that there is relatively strong demand in Edinburgh for small office suites. Between 1 January 2014 and 14 November 2014, CoStar-SPN recorded 192 office leases being signed in Edinburgh, of which 47 (24%) were for suites of 500 sq ft to 999 sq ft and 36 (19%) were for suites of 1,000 sq ft to 1,499 sq ft.*

*- Residential*

*The proposed development would deliver 52 residential units: 49 flats and 3 townhouses. The residential elements of the scheme are expected to have minimal economic impact. The increased expenditure associated with bringing additional residents to central Edinburgh may support a small number of additional jobs in retail and other consumer-facing sectors.*

## Sundry

*It is noted that the existing developments make relatively inefficient use of the site, in particular the largely inaccessible landscaped area to the southeast of Belford House, which extends to approximately 5,500 sq ft. The proposed development makes more efficient use of the existing curtilage.*

## Summary response to consultation

*The EDS expresses concern at the loss of 26,123 sq ft of office space capable of supporting approximately 200 jobs, particularly in the context of a sustained erosion of the city's supply of lower cost office space and a weak development pipeline. While this is tempered by recognition that the buildings lie slightly outwith Edinburgh's central business district and that the buildings are ageing stock that may be approaching the end of their working lives, it is noted that the commercial elements of the proposed replacement development are extremely modest, representing an overall net loss in commercial floorspace of approximately 24,000 sq ft. The EDS argues that the redevelopment of commercial buildings ' particularly those close to the city's economic heart ' should where possible incorporate a substantial element of commercial floorspace in order to avoid a gradual erosion of the city's workspaces, except where the area in question is identified as being no longer suitable for employment activities.*

## Edinburgh Urban Design Panel

### Executive Summary

*The Panel welcomes the opportunity to review the proposals at this stage. The site is at an important location; sitting at the interface between the Dean Village and the New Town. There is significant concern about the loss of Douglas House, a building which does make a positive contribution to the conservation area. The case for its demolition has not yet been demonstrated. The advice provided in this report which recommends developments and refinements of the design reviewed must not be read as detracting from the advice that every effort should be made to retain Douglas House.*

### Main Report

#### 1 Introduction

*1.1 This report relates to proposals for a mixed use development including housing at Belford Road in Edinburgh.*

*1.2 The brief for the current project envisages the redevelopment of the site that currently includes Douglas House and Belford House.*

*1.3 This is the first time that the proposals have been reviewed.*

*1.4 No declarations of interest were made by any panel members in relation to this scheme.*

*1.5 This report should be read in conjunction with the pre meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.*

*1.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the panel forming a differing view about the proposals at a later stage.*

#### 2 Planning Overview

2.1 A scheme for this site was previously considered by the Panel on 13th May 2009. The panel were generally supportive of the design solution.

2.2 In 2011, planning permission was refused for the demolition of the existing building and erection of a residential and flatted development, (Reference:- 09/01803/FUL). The reason for decision was:

*The proposal does not comply with the Edinburgh City Local Plan policies and the Non statutory Guideline on Daylighting, Privacy and Sunlight as it would adversely affect the character and appearance of the conservation area and harm neighbouring amenity.*

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2.3 In 2011, conservation area consent was refused for demolition of the existing building (Reference:-09/01803/CON). The reason for decision was:

- *The proposal does not comply with the Edinburgh City Local Plan policy as it would be detrimental to the character of the conservation area.*

2.4 In 2011 an appeal was dismissed for planning permission and conservation area consent (PPA-230-2054 and conservation area consent appeal reference: CAC-230-23).

### 3 Douglas House

3.1 Douglas House does make a positive contribution to the conservation area, through the design of its elevations, its scale, form and materials. While it is recognised that the building has been altered, with sensitive building conservation it is possible to redevelop it with a new use that is suitable for the area.

3.2 Because of this, in part, the Panel holds the strong view that Douglas House should be retained and that its demolition and replacement with new development has not yet been justified.

3.3 In developing any design for the site, a number of options should be explored. Given the above advice, the potential, to incorporate Douglas House should be fully explored.

3.4 The Panel did review a proposal that involves the demolition of Douglas House however and so the remainder of this report concentrates on providing advice in relation to the development of that proposal. That the following comments are made, must not be read as detracting from the fundamental advice that every effort should be made to retain Douglas House. The following advice applies both to a scenario where Douglas House is retained and a scenario where the case for its demolition is accepted and the building is replaced with new development.

### 4 Context

4.1 Key to the successful integration of any proposal is a thorough understanding of the site's context. The design should therefore be underpinned by a site analysis / appraisal that allows clear assessment of the merits of any proposal's impact on its surroundings. A much more detailed site analysis / appraisal is therefore required.

### 5 Relationship with Belford Church

5.1 The former Belford Church (now a hostel) is a vitally important building in the New Town Conservation Area and for the setting of the Dean Conservation Area. In townscape terms, it acts as an important entrance marker into the New Town. It can be seen in a number of views (for example from Dean Bridge) and is highly prominent on the approach from Belford Bridge. Any new development should be designed so that it does not reduce the townscape impact of this building.

5.2 The current proposal, through its height and form, visually competes with the church and therefore undermines its presence in the area. To resolve this, it is strongly recommended that the western end of the proposal is redesigned to reduce its scale - both in terms of its height and form in relation to Belford Church and in its elevation's design.

5.3 In relation to this, the scale suggested by the more conceptual sketch drawings, provides one possible pointer for a direction the design should take.

## 6 Design of the building along Belford Road

6.1 The notion of breaking the building down into different forms that echo feu patterns of historic buildings is a concept that is appropriate for this site, given the organic nature of townscape in the Dean Village.

6.2 The views through the buildings that are created as a consequence of this help to integrate the development into its context and provide interest in to the street scene.

6.3 The way the buildings engage with Belford Road is critical to the success of the development. The setting back of the elevation will provide a degree of amenity / privacy for ground floor residents. This concept echos the set back found in buildings across the

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New Town. The overhanging form of the floors above undermines the potential for the form of the building to have historic resonance however. It is recommended that the upper floors are therefore set back too.

6.4 It is possible to see both advantage and disadvantage to the proposal to bring the development towards Belford Road at the site's eastern end. There is clearly potential to create active frontage and make the pedestrian experience of the street more pleasant. However, against this, the loss of the current extent of view of the turreted building on Sunbury Street / Sunbury mews would be lost.

6.5 Relating to this, further consideration should be given to the uses at ground floor of the building at the proposed public space at the eastern end of Belford Road. A café would be one way of enlivening it, though such a use may also be appropriate at the western end of the proposed building.

6.6 To further strengthen the conceptual approach of breaking the building up into distinct forms, the floor levels and overall heights of the buildings should follow the line of the slope of the street.

## 7 Access / movement / security

7.1 The creation of a route through the site has the potential to better integrate the proposal with the historic forms of development found in the Dean Village. Rather than gate off the space, this could be opened up to provide access to Sunbury Place / Mews etc.

7.2 In doing this, it is essential that any route is made safe and therefore consideration should be given to its security, particularly through measures such as passive supervision, activity and good quality lighting. This has the potential to address the secured by design issues while integrating historic patterns of permeability.

7.3 Clarity will be needed on whether spaces are private or are in the public domain. Public routes should not be made through what are essentially private spaces.

7.4 Given the difference in levels between front and rear of the site, though potentially desirable, it may be difficult to achieve a connection through the site that is suitable for cyclists.

7.5 Given the site's location and the proposed uses and quantity of development, it is likely that traffic impacts from the development will be low. Therefore, relatively low levels of car parking are appropriate.

7.6 The notion of using the section of the site to hide car parking underneath buildings is welcomed.

## 8 Other matters

8.1 The Panel advocates the incorporation of on-site affordable housing. This should be tenure blind.

8.2 It is acknowledged that the proposals are at a relatively early stage of the design process. To ensure the simple modern appearance that is suggested by the drawing and 3D visualisations retains visual quality over time, it will be very important to detail the building(s) carefully. In particular, the elevations should be designed to shed water from the flat surfaces that are proposed.

8.3 The presentation focussed on the relationship of the current proposal to the refused scheme. While an understanding of this is important, it is essential that sufficient information is provided to allow an assessment of any proposal against the existing context.

8.4 It is essential that the outcome of public consultation is accurately recorded and set out in any Pre Application Consultation (PAC) report.

## 9 Recommendations

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9.1 In developing the design, the Panel supports the following aspects of it and therefore advocates that these should remain in the proposals:

- The notion of breaking the form of the building up to echo feu pattern.
- The concealment of car parking underneath the buildings.

9.2 In developing the proposals the Panel suggests the following matters should be addressed:

- The retention of Douglas House should be fully explored. This building does make a positive contribution to the conservation area and every effort should be made to retain it.

- Further consideration of context is essential to any development of the design. It is therefore essential that a more in depth site analysis / appraisal is prepared.

- If it demonstrated there is a case for the removal of Douglas House, then the design of the elevation and the form of the building that replaces it need to have a scale that is subservient to the former Belford Church.

- Reconsideration of the overhanging form of the building in relation to Belford Road.

- The potential to create a pedestrian route through the site.

## **Edinburgh World Heritage - Scheme 1 response dated 26/01/2015**

Further to our letter of 19th November 2013, I write to offer EWH's view on the impact of the proposals on the outstanding universal value of the World Heritage Site. We previously identified a number of elements as being important in considering the impact of the proposals on OUV, principally the gateway nature of the approach to the site, the Sydney Mitchell church and the Dean Conservation Area.

*In seeking to retain Douglas House. the proposals have taken steps to address the impact on the entrance to the core of the World Heritage Site. and ore to be broadly welcomed. Similarly. the relationship with the Sydney Mitchell church is retained. The one concern that remains is how the scale of the new build relates to the Dean Conservation area:however this is more a matter for experts within CEC (as are matters of detail in relation to the treatment of Douglas House) rather than matters of OUV.*

## **Environmental Assessment - response dated 11/03/2015**

*The applicant proposes a change of use from an office to residential accommodation, with a single commercial unit on the level '0' with a residential unit being proposed below. Environmental Assessment raised concerns regarding the potential noise breakout from the proposed commercial unit to the proposed residential accommodation located directly below. The commercial unit will be Class 1 retail, Class 2 financial/professional services or Class 4 business use. The applicant has advised that it is most likely to be used as a small retail shop or professional office during day time hours.*

*The applicant has submitted a supporting noise impact assessment which has concluded that noise mitigation measures will be required to ensure that residential amenity will be protected for any future tenants. The separating floor construction will need upgraded to inhibit sound transmission so that noise in the ground floor property is inaudible within the flats above and below. Environmental Assessment recommends that conditions are attached to any consent to ensure that these works are carried out in full. Environmental Assessment also recommends that a condition is attached to ensure that the commercial unit is only permitted to operate during day-time hours.*

*As the development site is located in close proximity to the city centre air quality management area and includes car parking provisions Environmental Assessment recommends the applicant includes electric vehicle charging points within the car parking area. Up to 100% funding may be provided for this type of installation from the Energy Saving Trust, further details can be obtained from the Energy Saving Trust website.*

*Charging outlets (wall or ground mounted) 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.*

*Therefore Environmental Assessment do not object to this application subject to the following being included as a conditions or informatives;*

*1. The following noise protection measures to the proposed development, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (Ref R-6487-RGM-CS), dated 3 February 2015:*

- o *Within the commercial unit and level -1 flat below, an independent ceiling shall be constructed consisting of two staggered layers of 15mm plasterboard fixed to new timber ceiling joists.*
- o *The cavity of the proposed ceiling must be a minimum depth of 200 mm and with 100mm mineral fibre quilt incorporated within the cavity. An acoustically absorbent tiled ceiling should be installed below the plasterboard ceiling in the commercial unit.*
- o *In the commercial unit no services should puncture the proposed plasterboard ceiling. Any services should be contained within the lower tiles ceiling, below the proposed plasterboard ceiling.*
- o *Independent wall linings shall be built around the external walls within the commercial unit.*
- o *The wall linings must consist of 48 mm studs built off the floating floor. The stud must incorporate a minimal 50 mm mineral fibre quilt and be closed with 15 mm plasterboard. The wall linings must not come into contact with the existing walls.*
- o *A floating floor must be installed within the commercial unit. The floating floor should comprise of acoustic cradles creating a 100mm void, this must be filled with 75mm insulation. The floor should be finished with 19mm plasterboard plank, 22mm chipboard and 12mm plywood. A perimeter isolation strip must be installed.*
- o *No speakers to be directly fixed to the walls or ceiling.*

*shall be carried out in full and completed prior to the development being occupied.*

2. *The commercial unit will have opening hours restricted to daytime hours between 07.00—19:00 Monday to Saturday only.*

#### *Informative*

1. *Prior to occupation of the development, details demonstrating that noise from all plant complies with NR25 shall be submitted for written approval by the Head of planning and Building Standards;*

#### *Details required*

*Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards.*

2. *Charging outlets (wall or ground mounted) 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.*

## **Environmental Assessment - response dated 08/10/2015**

*Environmental Assessment has reviewed the amended plans. The applicant has provided confirmation that the amendments will not impact upon any of the noise mitigation measures identified as being required in the noise impact assessment. Therefore we offer no further comments, please see original response below.*

*Should you wish to discuss the above, please do not hesitate to contact me on 0131 469 5160.*

### *Original Comments*

*The applicant proposes a change of use from an office to residential accommodation, with a single commercial unit on the level '0' with a residential unit being proposed below. Environmental Assessment raised concerns regarding the potential noise breakout from the proposed commercial unit to the proposed residential accommodation located directly below. The commercial unit will be Class 1 retail, Class 2 financial/professional services or Class 4 business use. The applicant has advised that it is most likely to be used as a small retail shop or professional office during day time hours.*

*The applicant has submitted a supporting noise impact assessment which has concluded that noise mitigation measures will be required to ensure that residential amenity will be protected for any future tenants. The separating floor construction will need upgraded to inhibit sound transmission so that noise in the ground floor property is inaudible within the flats above and below. Environmental Assessment recommends that conditions are attached to any consent to ensure that these works are carried out in full. Environmental Assessment also recommends that a condition is attached to ensure that the commercial unit is only permitted to operate during day-time hours.*

*As the development site is located in close proximity to the city centre air quality management area and includes car parking provisions Environmental Assessment recommends the applicant includes electric vehicle charging points within the car parking area. Up to 100% funding may be provided for this type of installation from the Energy Saving Trust, further details can be obtained from the Energy Saving Trust website;*

*<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>*

*Charging outlets (wall or ground mounted) 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.*

Therefore Environmental Assessment do not object to this application subject to the following being included as a conditions or informatives;

1. The following noise protection measures to the proposed development, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (Ref R-6487-RGM-CS), dated 3 February 2015:

o Within the commercial unit and level -1 flat below, an independent ceiling shall be constructed consisting of two staggered layers of 15mm plasterboard fixed to new timber ceiling joists.

o The cavity of the proposed ceiling must be a minimum depth of 200 mm and with 100mm mineral fibre quilt incorporated within the cavity. An acoustically absorbent tiled ceiling should be installed below the plasterboard ceiling in the commercial unit.

o In the commercial unit no services should puncture the proposed plasterboard ceiling. Any services should be contained within the lower tiles ceiling, below the proposed plasterboard ceiling.

o Independent wall linings shall be built around the external walls within the commercial unit.

o The wall linings must consist of 48 mm studs built off the floating floor. The stud must incorporate a minimal 50 mm mineral fibre quilt and be closed with 15 mm plasterboard. The wall linings must not come into contact with the existing walls.

o A floating floor must be installed within the commercial unit. The floating floor should comprise of acoustic cradles creating a 100mm void, this must be filled with 75mm insulation. The floor should be finished with 19mm plasterboard plank, 22mm chipboard and 12mm plywood. A perimeter isolation strip must be installed.

o No speakers to be directly fixed to the walls or ceiling.

shall be carried out in full and completed prior to the development being occupied.

2. The commercial unit will have opening hours restricted to daytime hours between 07.00—19:00 Monday to Saturday only.

#### *Informative*

1. Prior to occupation of the development, details demonstrating that noise from all plant complies with NR25 shall be submitted for written approval by the Head of planning and Building Standards;

#### *Details required*

Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards.

2. Charging outlets (wall or ground mounted) 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.*

## **Flood Prevention**

### *Flood Risk Assessment*

#### *4.3 Fluvial Flooding*

*CEC Flood Prevention holds a hydraulic model of the Water of Leith, including the reach adjacent to the development. The 1 in 200 year modelled water level at this location is 33.67mAOD, which is well below the lowest finished floor level of the proposed development of 37.06mAOD. The proposed development is therefore not considered to be at fluvial flood risk.*

*It would be appreciated if the applicant could update the flood risk assessment to include the information above for completeness.*

#### *4.5 Pluvial Flooding*

*It is noted that the SEPA pluvial flood map shows an area to the west of the proposed development where ponding of surface water runoff occurs. As the topography of the area will result in runoff from the proposed development flowing west towards the area of ponding, a robust drainage assessment is required to ensure there is no increase in flood risk in this area.*

### *Drain Strategy Assessment*

*It is acknowledged that calculations have been undertaken to determine the required discharge rate from the surface water drainage system and also to determine the required attenuation volume within the drainage system, but further detail of the proposed drainage system is required including:*

- A drainage plan showing all manholes, pipes and SUDS features for the proposed development.*
- Pre and post development flow paths to show that the topography of the proposed development does not put itself or others at risk. Overland flow paths must also demonstrate how flows will be routed if a rainfall event is greater than the system design event, or if a blockage is encountered in the system. The flow path diagram should include flow arrows which are supported by detailed topographical information to corroborate falls.*

- *MicroDrainage outputs to show the proposed drainage system can convey the 1 in 200 year event plus climate change allowance of 20% to the proposed attenuation.*
- *Confirmation of the location of the connection to the sewer network.*
- *Confirmation from Scottish Water regarding any connections to the sewer network.*

### **Flood Prevention - response dated 22/09/2015**

*The developer has provided sufficient information to address the concerns that Flood Prevention had with regard to this application.*

*As a result Flood Prevention have no further comment with regard to this application.*

### **Police Scotland**

*It is recommended that the architects and client consults with Police Scotland directly and considers Secure by Design accreditation for this development.*

*However the following comments are made at this time:*

- *It is noted that underground parking is included in this development and consideration should be given to access control both from the vehicle and pedestrian entrances, as this will be key to the security of vehicles and bikes in the future. Especially with lift access from the flats.*
- *There needs to be a clear definition between public and private spaces, especially if the footfall is to increase.*
- *The maintenance of the green spaces and vegetation will be key to ensuring that lines of sight are maintained.*
- *With the building being used for mixed use consideration should be given to the layout of the court yard.*

### **Scottish Water**

*Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.*

*Glencorse Water Treatment Works currently has capacity to service this proposed development. Edinburgh PFI Waste Water Treatment Works currently has capacity to service this proposed development. In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect.*

*Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.*

*A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption. Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.*

*If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.*

## **SEPA**

*No objection to this planning application. Please note the advice provided below.*

### *Advice for the Planning Authority*

#### *1. Flood Risk*

*1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

*1.2 Please find further comments in the flood risk technical report in Appendix 1 of this response.*

#### *2. Waste Water Drainage*

*2.1 Planning authorities have been designated responsible authorities under the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. As such authorities are required to carry out their statutory functions in a manner that secures compliance with the objectives of the Water Framework Directive (i) preventing deterioration and (ii) promoting improvements in the water environment in order that all water bodies achieve "good" ecological status by 2015 and there is no further deterioration in status. This will require water quality, quantity and morphology (physical form) to be considered.*

2.2 *Having considered the contents of the Drainage Strategy, we note that Section 4 states that the foul water discharge from the development is to be discharged to the existing foul water sewerage network and that the Drainage Impact Assessment should be progressed with Scottish Water to confirm that separate foul and surface water connection can be made to the existing sewerage infrastructure.*

2.3 *Where there is a public sewerage system, waste water drainage from development within and close to the settlement envelope should be directed to that system. If the system has insufficient capacity, then early dialogue with Scottish Water will be required to determine if works are planned to overcome this problem, or what developer pro-rata contributions will be necessary to remove the constraint.*

2.4 *If there is no or limited public sewerage infrastructure, given the scale of development we would still expect the development of strategic infrastructure to adoptable standards. Contact should be made with Scottish Water to determine the standards required to ensure adoption of new infrastructure.*

2.5 *Please note that we would not support proposals for private foul drainage systems for significant development (e.g. more than 25 houses) where we consider that development of public infrastructure is the sustainable long-term solution. An interim solution may be acceptable provided an appropriate upgrade has been agreed with Scottish Water and there will be no unacceptable impact on the water environment. For further guidance please refer to our Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements.*

### 3. *Surface Water Drainage*

3.1 *The surface water drainage proposal outlined in the Drainage Strategy dated October 2014 is acceptable to us in terms of water quality as it provides the required level of treatment for surface water run-off from the development. Section 5 of the Drainage Strategy confirms surface water to meet term of General Binding Rules (GBRs) 10, 11 and 21 of the The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) as well as CIRIA 697 standards. This will be accomplished via proprietary porous paving / suitable sub-base. We have no concerns given the relative small size of the development.*

3.2 *We have not considered the water quantity aspect of this scheme. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on any water quantity issues.*

3.3 *The Scotland River Basin Management Plan identifies invasive non-native species as a significant risk to the water environment. Appropriate measure should be put in place to prevent the further introduction of invasive non-native species with any existing dense stands of non-native vegetation removed as part of the works onsite.*

*Detailed Advice for the Applicant*

### 4. *Flood Risk*

4.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit [http://www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx).

4.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

4.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).

## 5. Surface and Waste Water Drainage

5.1 Please see comments in Sections 2 and 3 above.

## SEPA further comment

We have reviewed the amended proposals and supporting information including the Flood Risk Assessment and Drainage Strategy Plan (both dated April 2015) and we can confirm that we have no objection to the planning application.

Comments within our response date 21 November 2014 are still applicable to this planning application.

## Transport

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The internal layout of the development should be designed in accordance with Designing Streets and Quality Audits will be required. Note that Designing Streets states that a Stage 2 Quality Audit should be provided as part of the detailed planning application;
2. The applicant should provide a swept-path diagram to demonstrate that a vehicle can enter and exit the parking area in forward gear, in the interests of road safety.
3. All public footways to be at least 2m wide;
4. All units must be accessible for emergency response vehicles;
5. The footways to be continuous and access to any car parking areas should to be by dropped kerb (i.e. not bell mouth);
6. Any doors or gates must open inwards onto the property;

7. A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area of the commercial office space. (Reason to advise patrons of public transport);
8. The developer / applicant to apply to Services for Communities and the relevant area roads manager for a Section 56 permit to work on or adjacent to the public highway;
9. Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle;
10. The provision, layout, location and number of cycle parking should be to the Council's standards in accordance with Cycle Friendly Design Guide
11. Provide a draft Travel Plan and Management Agreement to be submitted prior to first occupation and a final Travel Plan within 3 months of that date.

Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-

1. A financial contribution to the Edinburgh Tram of £55,200 in line with the approved Tram Line Developer Contributions report (based on 49 residential units and 185 m<sup>2</sup> office space in zone 3);
2. 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.

Note:

*I understand that the applicant intends to maintain the pedestrian route through the site from Sunbury Mews (east) with western Sunbury. Whilst I have no objection to maintaining this route, I can find no evidence that such a right of way exists and would note that there is an equally convenient alternative route for pedestrians on publicly maintained roads. As the 'right of way' pedestrian route cannot be constructed in accordance with the Council's Movement and Development guidelines this route will not therefore be subject to Road Construction Consent procedures and the applicant/future occupiers will continue to be liable for injury to any person using this route.*

**TRAMS - Important Note:**

*The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:*

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;

- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

### **Transport - response dated 04/08/2015**

*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 the Edinburgh Tram of £55,857 in line with the approved Tram Line Developer Contributions report (based on 50 residential accommodation and 185 m<sup>2</sup> office space in Zone 3);
  - b. 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;
2. Submit a draft Travel Plan and Management Agreement prior to first occupation and a final Travel Plan within 12 months of that date. The Travel Plan to include financial contribution to transport promotion measures, including contributions to, or provision of, public transport season tickets and the provision of a public and sustainable transport information pack. Reason - To encourage more sustainable travel modes in line with the Local Transport Strategy policy LU 3;
3. New residential properties in the central and peripheral Controlled Parking Zone (CPZ), Zones 1 to 8, are not eligible for residents' parking permits;
4. All public footways to be at least 2m wide;
5. All units must be accessible for emergency response vehicles;
6. The footways to be continuous and access to any car parking areas should to be by dropped kerb (i.e. not bell mouth);
7. Any doors or gates must open inwards onto the property;
8. A monitor capable of receiving an internet connection to display Public Transport Real Time Information should be displayed in the reception area of the commercial office space. (Reason to advise patrons of public transport);
9. The applicant should ensure that the car park is large enough, and of a shape, to accommodate a turning area suitable for any vehicles which are likely to use it so that vehicles can enter and exit the site in a forward gear;

10. Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle;

11. The provision, layout, location and number of cycle parking should be to the Council's standards in accordance with Cycle Friendly Design Guide;

12. Any works affecting the existing carriageway/footway on Belford Road 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)

13. The developer must submit a maintenance schedule for the 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:

1. I understand that the applicant intends to maintain the pedestrian route through the site from Sunbury Mews (east) with western Sunbury. Whilst I have no objection to maintaining this route, I can find no evidence that such a right of way exists and would note that there is an equally convenient alternative route for pedestrians on publicly maintained roads. As the 'right of way' pedestrian route cannot be constructed in accordance with the Council's Movement and Development guidelines this route will not therefore be subject to Road Construction Consent procedures and the applicant/future occupiers will continue to be liable for maintenance and injury to any person using this route.

2. It is understood that a condition was placed on the original planning consent for the office development and the housing on Sunbury Place in 1980, requiring the car park for the proposed offices to be available to residents of the new housing development at weekends and evenings, to alleviate parking problems as a result of the narrow width of the proposed carriageway on Sunbury Place (and lack of space for on street parking). Transport has no record of this condition.

3. Current Council car parking standards for residential dwellings within this area (Zone 1) require a maximum of 1 space per dwelling, the minimum is 0. An additional 0.25 visitor spaces per dwelling should also be provided. The applicant proposes to provide 51 parking spaces which complies with the parking requirements as 50 spaces are for the residential units and 1 for the retail/business unit.

4. 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.*

### **West End Community Council comment**

*As a statutory consultee, the West End Community Council (WECC) submits comments in support, items of concern and objections to the above application.*

#### *1 Dean Conservation Area and World Heritage Site*

*The Community Council appreciates the effort the developer and his team have made in trying to reach an acceptable solution to the difficulties presented by this site. We note that they have taken on board our 2010 quote from the Edinburgh Built Heritage Strategy that such sites "offer opportunities for new and creative design...identify the best viable use that is compatible with the fabric, setting and character". WECC supports this application in general. Ref: ECLP Des 1; Des 3 (b) (e) (f) (h); Env 1; Env 6*

#### *2 Design and Materials*

*WECC considers that the retention of Douglas House and the design treatments chosen for the new build will enhance the Dean Conservation Area and add interest to this edge of the World Heritage Site. Ref: ECLP Des 1; Des 3 (b) (e) (f) (h); Env 1; Env 6*

*Sensitivity has been shown in the choice and range of materials in the new build, reflecting the history of the area. We welcome the attention that is to be paid to conserving the stonework of Douglas House. Ref: ECLP Des 3 (a); Env 6*

*There are, however, details of the proposal that cause concern and objection.*

#### *3 Design and Access Statement*

*The effect of the corner block on the spire of the important landmark building, the former Belford Church, is to be regretted. The height of the new-build is considered by residents in the Sunbury area to be excessive and lacking in respect for the 2 storey mews houses. A drop in height of one storey on the corner block has been mooted as a compromise solution. Ref: ECLP Des 3 (a); Des 5 (a) (d)*

*Modernist dormers on the front and west elevations of Douglas House are seen as inappropriate to this Victorian building. Their scale and form do not complement the roof. They should echo the existing fenestration, perhaps with an arched shape. There is no value in attempting to create a link with the new build in this way. Ref: ECLP Des 1*

#### *4 Skyline Views*

*The photomontage point from the Dean Bridge looking to the west shows that the newbuild corner block partially obscures the view of the Belford Church spire. Dropping one storey from the corner block would be a considerable improvement. This latest scheme improves views to the east over the Water of Leith valley and towards the Dean Bridge and Church spire. The photomontage point used to show this feature is taken from the western end of Belford Bridge and, therefore, favours the proposal and does not show the effect from the easternmost end of the bridge. Ref: ECLP Des 3 (a); Des 10 (c)*

## *5 Transport Statement*

*The underground parking solution for cars and bicycles is commended. We note that CEC minimum standards are met with regard to numbers of spaces, turning circle etc. The following points, however, raise concern and need to be addressed: Ref: ECLP Tra 1; Tra 2; Tra 4; Tra 5*

*1 Parking provision is a major issue for residents in the Sunbury area. There is already a parking availability problem (currently alleviated by the permission for Sunbury residents to use the Belford House car park). Belford House had a Planning Approval Condition imposed in 1981, to allow Cala housing residents the use of its car park in non-office hours. When this facility is lost to current residents, there will be a knockon effect on on-street parking, e.g. Sunbury, Belford Road, Douglas Gardens.*

*2 It is likely that the owners of the 11 three bed apartments and 3 town houses will own 2 cars. This means that 17 spaces would be required on street (i.e. leaving the disabled spaces out of the calculation). The Zone situation is confusing. It is not clear which zone would be allocated to the new residences, Zone 1 or 5.*

*3 It is our view that the predominantly residential use would not necessarily lead to reduction in traffic generation, since family size homes could mean extra journeys at peak times, e.g. the morning school run, as there is no local bus service to the CEC catchment schools. The only local bus into the city centre (No.13) is an hourly daytime-only service. The trip generation forecast for the morning peak seems overly optimistic.*

*4 The Transport Statement does not appear to address the impact of a possible extra 66 vehicles using the exit from Belford Road at the junction with Douglas Gardens. This has been the only way out of the area since the closure of the eastern end of Belford Road at the junction with Queensferry Street. The straight-ahead-west option at the junction requires a hill start and the crossing of two streams of traffic, including a right turn lane. Visibility south up Douglas Gardens is restricted. The local distributor road carries a steady flow of traffic and can be backed up at peak hours. Traffic lights or a suitable alternative solution may need to be considered for this junction. The re-opening of the Belford Road/Queensferry Road junction to left-turning vehicles has been suggested.*

*5 Emergency service, especially Fire Service, vehicle access is already a matter for concern among the residents of the Cala housing development. The narrow streets at Sunbury are currently used for over-flow parking and this situation could well be exacerbated unless traffic regulation is looked at. No travel plan has yet been provided for the commercial uses in Douglas House.*

## *6 Daylight/sunlight*

*The failure of 13 Sunbury windows to pass measurement criteria must be taken into account and should surely indicate that the height of the corner block needs to be reduced. Ref: " 13 will suffer a noticeable reduction in light" Ref: ECLP Des 3 (c)*

## *7 Sustainability*

*We commend the re-use of Douglas House, the provision of green roofing and the waste storage facilities. No mention is made of sourcing of the materials for the new-build element. There is no mention of electric car hook-ups. Re-planting could be increased in the communal areas. Ref: ECLP Des 6 (b) (ii;iii)*

## *8 Housing Mix*

*The CC welcomes the variety of house sizes and styles. We question, however, what arrangement is in place for the provision of the percentage of social housing. Ref: ECLP Hou 7.*

### *Conditions:*

*WECC suggests that the following conditions would be appropriate:*

- 1 Samples of the materials to be approved by the Planning Committee for colour and appearance.*
- 2 Traffic lights installation or a suitable alternative to be considered, to alleviate the problem with the junction of Belford Road and Douglas Gardens.*
- 3 A Good Neighbour Agreement to be signed with the developer to keep nearby residents aware of the works as they progress and allay fears. (Note that the Haymarket arrangement is proving helpful with regard to community relations.)*

### **West End Community Council further comment**

*We lodge objection to certain details of this revised proposal that cause community concern.*

#### *1 Design and Materials*

*The use of powder coated aluminium framed windows for Douglas House is unacceptable.  
Ref: ECLP Des 1; Des 3 a)*

*The style of the dormers on the front and west elevations of Douglas House is seen as inappropriate to this Victorian building. Their scale and form do not enhance the roof. They should echo the existing fenestration of the ground and first floors. Ref: ECLP Des 1; Des 3 a); Des 11*

*The added skylights in the middle of the roof of Douglas House protrude above the ridge line as viewed from the busy commuter and tourist route northwards down Palmerston Place/Douglas Gardens. Ref: ECLP Des 11 Alterations*

*The height of the corner block of the new-build is considered by residents in the Sunbury area and other overlooking properties to be excessive and lacking in respect for the 2 storey mews houses. Ref: ECLP Des 3 a); Des 5 a) d)*

## *2 Daylight/sunlight*

*The failure of 11 Sunbury windows to pass measurement criteria must be taken into account. Ref: Item 5 Consultant's Daylight Impact analysis "11 will suffer a noticeable reduction in light" Ref: ECLP Des 3 c)*

## *3 Transport*

*The following previous points of objection have not been addressed: (see WECC's representation with regard to the 2014 proposal)*

*No.13 bus provision - improve the currently hourly service, till 18.45hrs - developer contribution? Solutions to the increased traffic flow which will exacerbate the existing problems at the Belford Road/Douglas Gardens junction.*

*Emergency Services access to the Cala housing development - on-street parking controls? Electric car charging points to be incorporated in the garage. Travel Plan for the commercial users. Ref: ECLP Tra 1 c); Tra 2; Tra 4 b); Tra 5*

## *4 Environment*

*Planting should be increased in the communal areas - to promote health and well-being. Ref: ECLP Des 5*

*WECC, however, supports this application in general.*

## *1 Dean Conservation Area and World Heritage Site*

*WECC considers that the retention of Douglas House and the design treatments chosen for the new build will enhance the Dean Conservation Area and add interest to this edge of the World Heritage Site. Ref: ECLP Des 1; Des 3 a) b) h); Env 1; Env 4; Env 6*

## *2 Design and Materials*

*The reduction in height of the extension to Douglas House addresses our earlier concerns about views to the Dean Bridge and church. Ref: ECLP Des 1; Des 3 b) e) f) h); Env 4; Env 6.*

*Sensitivity has been shown in the choice and range of materials in the new build, reflecting the history of the area, e.g. zinc. Ref: ECLP Env 6 c).*

*We welcome the attention that is to be paid to conserving the stonework of Douglas House. Ref: ECLP Des 3 a); Env 6 a).*

## *3 Housing Mix*

*The CC welcomes the variety of house sizes and styles. Ref: ECLP Hou 2.*

*Conditions:*

