

Development Management Sub Committee

Wednesday 16 December 2015

**Application for Planning Permission 14/05208/FUL
At 14 Ashley Place, Edinburgh, EH6 5PX
The removal of an existing office building and associated
storage yard and the erection of 40 Flats (as amended).**

Item number	4.1
Report number	
Wards	A12 - Leith Walk

Summary

The proposal is contrary to the Edinburgh City Local Plan Policy Emp 4, and the Bonnington Development Brief in that it does not include a significant element of new floor space designed to provide for a range of business users. However it has been demonstrated that the inclusion of business uses in the proposals would not be marketable and it is unrealistic to expect the applicant to provide them. The proposed residential use is appropriate in this location and is acceptable in this instance. It will contribute to the wider regeneration of the area and is of an appropriate design, scale and mass. It will have no detrimental impact on neighbouring residential amenity or the amenity of the future occupants.

The recommendation is subject to conditions on landscaping, materials, contaminated land and the conclusion of legal agreements for contribution towards education and transport infrastructure and provision of affordable housing.

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITE9, CITE17, CITE18, CITH1, CITH2, CITH3, CITH4, CITH7, CITCO2, CITEM1, CITT4, CITT5, CITT6, NSG, NSGD02, NSDCAH, OTH, DBBON, LDPP, PLDP49,

Report

Application for Planning Permission 14/05208/FUL At 14 Ashley Place, Edinburgh, EH6 5PX The removal of an existing office building and associated storage yard and the erection of 40 Flats (as amended).

Recommendations

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

Background

2.1 Site description

The application site relates to a site of 0.39ha. located in the north of Bonnington and to the east of Newhaven Road. Ashley Place is a cul-de-sac which leads off Newhaven Road. It is currently contains a two storey brick building occupied by a building services company and its associated yard which is surrounded by high wire mesh fence. There is an area of car park on the eastern part of the site which contains a row of coniferous trees. To the south west, on Ashley Place, there is a terrace of traditional tenemental flats. Further to the east, on Ashley Place, is a six storey brick and render block of modern flats accessed from Tinto Place. There is another large six storey high block of similar flats to the south east. To the north and east there are also are low-rise industrial buildings. The future use of the site is considered by the Bonnington Development Brief which is characterised by light industrial and business uses typical of the wider area covered in the brief.

2.2 Site History

19 January 2000 - Planning permission granted for use of the ground floor premises as a leisure centre (Class 11) and first floor premises as offices (Class 4) (in retrospect). (application number 99/03340/FUL).

Planning history for the larger area which includes this site

21 February 2006 - Permission granted for proposed mixed development at Bonnington Road Lane/Ashley Drive/Tinto Place: (the application site is included as part of this area) (application number 04/00306/FUL) This application was for the residential development, now built, on Tinto Place as well as an office development on the current application site. However the offices were never built.

10 October 2014 - Proposal of Application Notice approved for residential led regeneration consisting of 200 flatted units (application number 14/03896/PAN). This PAN referred to a larger geographic area but included the current application site. This PAN has not been followed up with an application for planning permission.

Main report

3.1 Description Of The Proposal

Scheme 2

This is an amended application to demolish an existing brick building occupied by a building services company and to replace it with a development of 40 flats. The amended scheme is for a four storey L shaped plan development with five storeys at the junction of the two wings. Of the 40 flats, it is proposed that eight will be affordable. These will all be contained in one section of the building accessed off the same stair. Two other flats will be shared equity. 30 flats will be sold at market rate.

The proposal will provide a mix of flat sizes:

5 no. 1 bedroom units

Areas: 2 units at 51.2sqm, 1 unit at 52.0 sqm, 1 unit at 53.2 sqm, 1 unit at 54.6 sqm.

31 no. 2 bedroom units

Areas: 6 units at 59 sqm, 3 units at 63.3 sqm, 13 units at 69.4 sqm, 1 unit at 75 sqm, 4 units at 80 sqm and 4 units a 85 sqm.

4 no. 3 bedroom units at 95 sqm each.

The application proposes 32 parking spaces located to the front of the building and to the rear of the site. There will be one disabled space. Enclosed cycle storage will be formed to the rear. An area of communal open space will also be formed to the rear of the development. Some of the ground floor flats will have areas of private green space. In total there will be 640 sqm of garden space available. An enclosed area of refuse and recycling storage is against the north-west gable.

The materials will be buff coloured brick at ground floor level with rendered finish above. Windows will be dark grey upvc with dark grey spandrel panels. The roof will be a shallow pitched grey single membrane roof.

Scheme 1

The initial scheme that was submitted was for a building with a larger footprint that was four floors high throughout. It proposed 34 parking spaces with eight spaces to be contained in a car park on the other side of the proposed road to the north of the site. Bin storage was in enclosures in the ground to the front of the building.

Supporting Statements:

As part of this application the following documents have been submitted which are available to view on Planning and Building Standard's Online Services:

- Design Statement;
- Drainage Report;
- Transportation Statement;
- Planning and Market Assessment Report;

- Noise Impact Assessment; and
- Flood Risk Assessment.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable in this location;
- b) the proposals are of an appropriate scale, form, and design;
- c) the proposals will result in an unreasonable level of neighbouring residential amenity;
- d) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- e) the proposals will have any traffic or road safety issues;
- f) affordable housing provision is acceptable;
- g) educational infrastructure provision will be sufficient;
- h) the proposal meets sustainability criteria;
- i) there are any other environmental impacts;
- j) any impacts of equalities and human rights have been addressed; and
- k) any comments raised have been addressed.

a) The Acceptability of the Principle of the Development in this Location

The ECLP Proposals Map identifies the application site as lying within the 'urban area'; as does the emerging Second Proposed Local development Plan (LDP). The site also lies within the area considered by the Bonnington Development Brief (2008) - the brief sought to establish an appropriate mix of uses that would ensure that the introduction of residential uses in this location would not compromise the operation of existing businesses at a time when there was general concern regarding the loss of employment uses in the city. In particular, the brief required new development to include a significant element of new business space to help meet the need in north-east Edinburgh.

The application site is currently occupied by an active business use and as such the proposals are required to be considered against the tests set out in ECLP Policy Emp 4: Employment Sites & Premises which sets a number of policy requirements. The application promotes development that is wholly residential and as such fails the first policy requirement, insofar as the development proposed does not include a significant amount of business floorspace. The second requirement allows for the introduction of non-employment uses provided that they will not prejudice or inhibit the activities of any nearby employment uses; in this regard it is considered that further residential development in this location will not have such an effect. Finally, the policy requires consideration to be given to the contribution of new development to the regeneration and improvement of the wider area. The application, while not part of a comprehensive regeneration project, continues the redevelopment of former employment land in Bonnington. It replicates the form, mass and scale of residential development on land immediately opposite and adjacent to the application site and can be said to contribute to the improvement of the wider area.

In support of the application, a Planning and Market Assessment Report has been submitted noting that the Bonnington area is increasingly characterised by residential uses and that business uses have struggled to establish themselves, particularly in the area considered by the Bonnington Development Brief. Indeed, this is evident in respect of the planning permission 04/00306/FUL which promoted mixed use development on land that includes the application site. Whilst the residential component of that planning permission has been developed i.e. that at Tinto Place, the business use envisaged on the application site has not. The applicant has analysed the take-up of business floorspace in the area and across the city and concludes that it would take five years to guarantee a successful letting of business space in Bonnington. The applicant also forecasts that vacancy rates will continue to increase within a half mile radius of the application site and concludes that Bonnington is not an attractive business location, that there is a high level of oversupply of business accommodation and a low level of demand. On this basis the applicant argues that the area site is likely to remain vacant for the foreseeable future and that its development for residential purposes would assist in meeting the city's housing land requirements, a position broadly supported by Economic Development.

Whilst the emerging Second Proposed LDP addresses the retention of employment uses in the urban area, through Policy Emp 9: Employment Sites & Premises, it confines its concern to sites larger than one hectare. As the site area of the application site is less than one hectare this policy consideration is not relevant in this instance.

Drawing these considerations together it is recommended that the application can be supported in principle, notwithstanding its conflict with ECLP Policy Emp 4. The applicant has provided evidence that demonstrates that business development is unlikely to come forward on the site and generally in the Bonnington area, evidence that is acceptable to the Council. In the context of the emerging LDP the application proposals would not be required to include business floorspace.

b) Scale Form and Design

ECLP design policies seek to draw on the positive aspects of an area and to promote developments that are appropriate in terms of siting, scale, form and materials.

Scheme 2 promotes an amended layout which omits car parking on a small section of the owner's site across the road so as not to prejudice the development of the greater area. The layout is such that Ashley Place can be continued to the north and development could potentially happen to the east.

The height of the proposed development is between two and three storeys lower than the Tinto Place development. The materials of render, facing brick and grey upvc are comparable in terms of quality. The development will extend the character of the existing new build in the area and is appropriate in mass, height, scale and materials. A condition is added requesting a detailed landscape design to be submitted as well as further information about materials.

Taking into account the prevailing character, urban grain and heights and massing of buildings in the area, the proposal is an appropriate design for this location.

c) Neighbouring Amenity

The development will be on the opposite side of Ashley Place from the new six storey flats on Tinto Place.

The building will be set back from the street frontage by the depth of the parking bays and footpath. It will be lower than the Tinto Place flats and will be 18.3 metres from the face of the Tinto Place building. The applicant has provided a drawing which shows that the proposal complies in terms of impact on daylight to surrounding properties using the vertical sky component method as set out in the Non-statutory Design Guidance. The analysis has been undertaken for the ground and first floor windows of the flats opposite, which are most likely to be affected by the new development. Because they comply it is assumed that the windows above will also be affected within acceptable parameters. The distance between the faces of the existing and proposed building is over 18metres, which is sufficient in privacy terms.

The proposals raise no issues in terms of daylight and privacy and will have no adverse impact on residential amenity.

d) Amenity of Future Occupiers

The proposal is for a mix of flat sizes broken down as follows:

Five no. 1 bedroom units

The recommended minimum size for 1 bedroom flats in the Design Guidance is 52 sqm so 2 units are slightly under recommended areas. Three units meet recommended space standards.

Thirty one no. 2 bedroom units

The recommended minimum size for 2 bedroom flats in the Design Guidance is 66 sqm so the 6 units at 59sqm are substantially under recommended areas and 3 units are slightly under. Twenty two units meet recommended space standards

Four no. 3 bedroom units at 95m² each. All 4 units substantially exceed the recommended minimum space standard of 81m².

Eleven of the 40 proposed flats do not comply with recommended minimum space standards but only six units are substantially under the recommended size. As this represents 85% of flats complying or exceeding with minimum recommended areas, this is a marginal infringement of the Design Guidance and the unit sizes are overall satisfactory and will provide a satisfactory living environment.

The area of garden space to be provided at the rear is 640sqm. This translates to 16 sqm per flat which exceeds the minimum of 10 sqm per flat.

The applicant has submitted information that show that this area will have appropriate level of sunlight as defined in the Design Guidance.

As a result of the submission of a Noise Impact Assessment, Environmental Assessment is not of the view that there will be any adverse impact on the occupants of the proposed development from adjacent business uses in terms of noise.

The proposed development would be acceptable in terms of amenity for the occupiers.

e) Traffic or Road Safety Issues

A number of the objections have raised the issue of parking difficulties in the area that could be exacerbated by the introduction of an additional 40 flats. The applicant has submitted a Transportation Statement that proposes 32 car parking spaces. Parking standards would require that the market rate flats have one space per unit and that the affordable housing be 0.2 spaces for the 10 units proposed for a total of 32 spaces. Transport therefore considers that there is sufficient parking for the number of units proposed and that the proposals will not add to any existing shortage of parking available to existing local residents. They request the submission of details of cycle storage as a condition of this consent, a travel plan and legal agreement for the sum of £2000 for a traffic order to control the disabled parking space.

The proposals are acceptable in terms of traffic and road safety.

f) Affordable Housing

A development of 40 dwellings requires that 25% or 10 flats be affordable. Port of Leith Housing Association has indicated that it would take on eight flats that are all accessed off one stair.

The two remaining units will be shared equity. Housing is satisfied that this fulfils requirements. The affordable housing will require a Section 75 legal agreement to secure its provision.

g) Education

Policy Com 2 in the Edinburgh City Local Plan indicates that any new housing that would lead to additional demand for school places that cannot be met within existing school capacity would be expected to make a financial contribution to meet the cost of providing the necessary additional places.

The application site is not identified as a housing proposal in the LDP and does not lie within a Contribution Zone. A new policy is being prepared to cover education contributions for development on sites outwith Contribution Zones. In the meantime, the Guidance states "the net impact on infrastructure capacity will be assessed. If it is necessary to mitigate that impact by providing additional capacity above and beyond the actions identified within the Action Programme, the Council will consider whether a legal agreement can be used to mitigate those impacts."

Children and Families has indicated that the catchment schools for the application site and the expected pupil generation using the assumed pupil generation rates set out in the Edinburgh Local Development Plan Revised Education Appraisal (June 2014) are as follows:

Catchment School Predicted Pupil Generation

Broughton PS	2
Drummond HS	1
St Mary's (Leith) RC PS	0
Holy Rood RC HS	0

A report on Rising School Rolls to the Education, Children and Families Committee on 9 December 2014 indicated that there will be insufficient capacity in primary and secondary schools across the City within eight years and the schools where pupils are generated in the table above are included within that assessment.

With respect to this application Education was consulted in early 2015 and at that time recommended that in the absence of a contribution zone, it proposed to use the figures in the Council's previous developer contributions policy to identify "a proportionate contribution." In October 2009, these were £411 per flat for non-denominational primary and £357 per flat for non-denominational secondary.

The required contribution for this development would therefore be as follows:

ND Primary school:	£411 x 40 =£16,440
ND Secondary school:	£357 x 40 =£14,280
Total	=£30,720

This should be indexed linked at the point of payment to October 2009.

Since Children and Families responded to their consultation a new report has been presented to the Planning Committee on 3 December 2015 with revised developer contribution policy. However since this application was lodged in December 2014, and the applicant has been told in May 2015, that a contribution of £30,720 is expected, it is not reasonable to now calculate an educational contribution based on the policy adopted in December.

It is recommended that the contribution of £30,720 be secured through a legal agreement which will include a requirement for the Council to identify and implement relevant actions to increase non-denominational capacity at Drummond High School and/or one or more of its feeder primary schools.

h) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of the Edinburgh Design Guidance.

i) Environmental Impacts

Information has been submitted regarding flood risk and drainage and this available to view on the Planning and Building Standards Online Services. Flooding is content with the information submitted. There is no risk in terms of flooding.

Environmental Assessment requested that a condition stipulating that a survey for possible contaminated land be conducted and, if necessary, a schedule of remediation measures submitted prior to construction.

Archaeology has requested that an archaeological survey be conducted prior to the commencement of work and a condition in respect of this is attached.

A row of conifers will be removed as part of this proposal. The trees do not make a positive contribution to the area and their removal is acceptable.

Objectors have noted the presence of a flock of sparrows nesting in the area. An informative is added to requesting that works are carried out outwith the nesting season.

j) Equalities and Human Rights Issues

The application has been assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards Online Services.

k) Public Comments

Material Representations -

Material objections relate to:

- Principle of the development - assessed in section 3.3(a). The loss of industrial and commercial uses is justified by supporting information.

- Design - assessed in section 3.3(b). The housing is in character with the other residential elements in the area. The revised scheme has relocated the bin stores to the side instead of the front of the building.
- Traffic and road safety - assessed in section 3.3(e). Transport has no objections to this proposal.
- Residential amenity for neighbours, including overshadowing, loss of privacy, noise, odour, air quality - assessed in section 3.3(c). The impacts of overshadowing loss of daylight are acceptable within the constraints of an urban site. Environmental assessment has not raised any potential issues of noise or smells.
- Flooding and drainage - assessed in section 3.3(i). Information has been submitted relating to drainage and flood risk and Flooding are now satisfied.
- Biodiversity - assessed in section 3.3(i). An informative is added to ensure that no removal of trees takes place during nesting season.

Non-material Representations –

- Structural issues - not relevant to the planning process, but is addressed by building control.
- Construction traffic - not relevant to the planning process, but is addressed environmental assessment.
- Asbestos in building to be demolished - not relevant to the planning process, but is addressed by building control.

SCHEME 2

Material Representations -

Material objections relate to:

- Principle of the development - assessed in section 3.3(a). The loss of industrial and commercial uses is justified by supporting information.
- Design, including design quality and height - assessed in section 3.3(b). The design is in character with the area and the building is lower than the adjacent block of flats.
- Neighbouring residential amenity - assessed in section 3.3(c). The impacts of overshadowing and loss of daylight are acceptable within constraints of an urban site.
- Residential amenity for the occupants - assessed in section 3.3(d). Garden space provision is acceptable and landscaping details will be conditioned.
- Traffic and road safety - assessed in section 3.3(e). Transport has no objections to this proposal.
- Biodiversity - assessed in section 3.3(i). An informative is added to ensure that no removal of trees takes place during nesting season.
- Sustainability - assessed in section 3.3(h). The proposal complies with the requirements of the Edinburgh Design Guidance.

Non-material Representations –

- Structural issues - not relevant to the planning process, but is addressed by building control.
- Construction traffic - not relevant to the planning process, but is addressed by building control.
- Loss of views - not within the remit of the planning process.

Community Council Comments -

There have been no comments on either scheme from the community council.

Conclusion

In conclusion, the proposal is contrary to the Edinburgh City Local Plan Policy Emp 4, and the Bonnington Development Brief in that it does not include a significant element of new floorspace designed to provide for a range of business users. However, it has been demonstrated that the inclusion of business uses in the proposals would not be marketable and it is unrealistic to expect the applicant to provide it. The proposed residential use is appropriate in this location and is acceptable in this instance. It will contribute to the wider regeneration of the area and is of an appropriate design, scale and mass. It will have no detrimental impact on neighbouring residential amenity or the amenity of the future occupants.

The recommendation to grant planning permission is subject to conditions on landscaping, materials, contaminated land and the conclusion of legal agreements for contributions towards education and transport infrastructure and the provision of affordable housing.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. The applicant shall submit the design, layout, number and specification of the cycle parking for approval in writing by the Head of Planning prior to the commencement of works on site.
3. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning and Transport, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning and Transport.

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

4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. To ensure that the design and level of cycle parking proposed is satisfactory.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The applicant shall enter into a suitable legal agreement in respect of the following:
 - i) Education contribution £30,720 (indexed at time of payment);
 - ii) Affordable housing (eight units to be managed by a RSL and two with shared equity);

- iii) A contribution £2,000 for a suitable traffic order to control the disabled parking spaces.
 - iv) A draft travel plan to be submitted prior to first occupation of the development, and a final travel plan to be submitted within 12 months of first occupation.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
 3. 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.
 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. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoption to be agreed and is expected to include all parking spaces adjacent to the carriageway. Road Safety Audits at design, construction and post-construction stages will be required.
 6. The adoptable road is to extend to the northern boundary of the site to enable future development to be accessed at that point. For the avoidance of doubt, the road layout of the proposed development is not approved at this time.
 7. Any gate or gates must open inwards onto the property. It is noted that the doors to the refuse stores open outwards. This would constitute an offence under the Roads (Scotland) Act 1984 and is not approved.
 8. No removal of vegetation shall occur during nesting season.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbours were first notified about the application on 31 December 2014. Twenty six letters of representation were received from neighbours to the first scheme, 25 of them were objecting and one person supported the scheme but gave no reasons for that support.

Neighbours were notified of a revised Scheme 2 on 8 June 2015 and six letters of objection were received from neighbours.

A petition of 46 signatories was submitted which objected to the application on non-material grounds

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

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is within the urban area of Edinburgh City Local Plan and Second Proposed Local Development Plan and is contained within the area defined by the Bonnington Development Brief.

Date registered

16 December 2014

Drawing numbers/Scheme

1, 2a-7a, 8b-9b, 10a, 14a, 15, 17-18,

Scheme 2

John Bury

Head of Planning & Transport

PLACE

City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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

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

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

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

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

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

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

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

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

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

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

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

Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

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.

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines on 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.

Other Relevant policy guidance

The Bonnington Development Brief sets out planning and design principles to guide the redevelopment of an area currently occupied predominantly by business and industrial uses.

Relevant policies of the Proposed Local Development Plan.

Second Proposed LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

Appendix 1

Application for Planning Permission 14/05208/FUL At 14 Ashley Place, Edinburgh, EH6 5PX The removal of an existing office building and associated storage yard and the erection of 40 Flats (as amended).

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the removal of an existing office building and associated storage yard and erection of 40 flats.

Map evidence indicates that until the mid 19th century the site survived as open ground, with the 1st Edition OS map indicating that it formed the northern half of the Adelphi Fruit and Flower Gardens. However the surrounding area at Bonnington starting in the late 18th century become a focus for industry with the neighbouring plots of land containing Haig's Distillery and the Bonnington Soap and Chemical Works. Between 1849 and the publication of the 2nd OS map in 1876 this site had become subsumed by the neighbouring Bonnington Chemical works. The 1876 map shows the site containing circular tar tanks and at least one factory building. The scale of industrialisation of the area is witnessed by the later Victorian OS maps which show the site fully developed with a range of factory buildings and light narrow-gauge railway tracks.

In addition the sites industrial heritage, its close proximity to Pilrig House built on the site of the 1559-60 siege fortification of Somerset's Battery suggests that the site may also contain evidence relating to associated English Army encampments.

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

As stated the site overlies an area of archaeological significance principally relating to the sites Victorian Industrial heritage and possible earlier association with the encampments of the English Armies during the siege of Leith in 1559-60. Accordingly ground breaking works associated with both demolition and construction are likely to have a significant impact upon surviving buried remains. Accordingly it is considered essential that a programme of archaeological excavation work is undertaken as part of the demolition process and prior to development in order to fully excavate, record and analysis any significant buried remains affected by ground breaking.

In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site and metal detecting survey. The results of this programme of evaluation will 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 prior to construction.

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

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, analysis & reporting) 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.

Transport

Response dated 09.02.2015:

I would be pleased if the application could be continued.

Reason:

The applicant has been asked to supply a suitable Transport Statement.

Response dated 01.05.2015:

Further to my memorandum of 9 February 2015, I confirm that I have no objection to the proposed application subject to the following being included as conditions or informatives as appropriate:

- 1. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoption to be agreed and is expected to include all parking spaces adjacent to the carriageway. Road Safety Audits at design, construction and post-construction stages will be required;*
- 2. The adoptable road is to extend to the northern boundary of the site to enable future development to be accessed at that point. For the avoidance of doubt, the road layout of the proposed development is not approved at this time;*
- 3. Any gate or gates must open inwards onto the property. It is noted that the doors to the refuse stores open outwards. This would constitute an offence under the Roads (Scotland) Act 1984 and is not approved;*
- 4. Consent should not be issued until:*

- a. *The applicant has submitted the design, layout, number and specification of the cycle parking for approval by the Head of Planning;*
 - b. *The applicant has entered into a suitable legal agreement to provide the sum of £2,000 to progress a suitable traffic order to control the disabled parking spaces. Note: 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. 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;*
5. *A draft travel plan will be required to be submitted prior to first occupation of the development, and a final travel plan to be submitted within 12 months of first occupation.*

Note:

Current parking standards require 1 space per unit for the 30 residential units and 0.2 spaces for the 10 affordable units. The development proposes to provide 34 spaces which is considered acceptable.

Flooding

No objections

Environmental Services

The application proposes the construction of a block of 40 flats built over three/four storeys with 34 car parking spaces. To the north and west are a number of commercial premises. To the south there are existing residential flats. To the east there is further commercial premise which has been included in a Proposal of Application Notice (PAN). This PAN included the provision of residential properties and was approved.

Noise

The applicant has submitted a supporting noise impact assessment due to the neighbour commercial uses. The noise impact assessment has concluded that no specific noise mitigation measures will be required. The noise measurements have taken into consideration the existing commercial operations. There are no records of complaints against the nearest commercial uses from the existing neighbour residential properties.

Due to the close proximity of existing residential properties Environmental Assessment highlights that no noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday. This is enforced under the Control of Pollution Act 1974.

Contaminated Land

Due to the historic land use ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s.

Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)

Local Air Quality

The proposal includes the provision of 34 parking spaces and is located in close proximity to Great Junction Street (Leith), Inverleith Row and City Centre Air Quality Management Areas. The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken. Due to the low number of parking spaces Environmental Assessment has not requested any supporting material however would highlight that reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the second Edinburgh Local Development Plan (LDP). The LDP acknowledges that growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality.

Therefore Environmental Assessment offers no objection subject to the following condition;

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

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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

Informative

No noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday. This is enforced under the Control of Pollution Act 1974.

Affordable Housing

1. Introduction

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

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

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

2. Affordable Housing Requirement

This application is for a total of 40 residential homes and as such the AHP will apply. There will be a requirement for 10 (25%) homes of approved affordable tenures and these will be required to be delivered on-site.

The applicant has engaged with this department and has also entered into discussions with a Registered Social Landlord (RSL) regarding the delivery of the affordable homes. Port of Leith Housing Association has confirmed that they would be interested in taking forward 8 of the affordable units. The reason for taking only 8 units is as these will be located all in one stair and will provide them with ease of ongoing management. As the requirement for the site is 10 units the applicant has agreed with this department to discuss providing the remaining 2 required units as shared equity. This is welcomed by this department as this approach will provide 100% of the affordable requirement on-site as approved affordable housing tenures following the principles of blind tenure.

The applicant will be required to enter into a Section 75 Legal Agreement to secure the provision of the above affordable housing and this should be included in the informatives section of the report to committee.

Children and Families

Policy Com 2 in the Edinburgh City Local Plan indicates that new housing development which would lead to an additional demand for school places that cannot be met in schools serving the development will be expected to make a financial contribution to meet the cost of providing the necessary additional places.

The Second Proposed Local Development Plan, accompanying Proposed Action Programme and the Developer Contributions and Affordable Housing Guideline (February 2014) set out a new approach to developer contributions focussing on identified actions.

The application site is not identified as a housing proposal in the Second Proposed Plan and it does not lie within a Contribution Zone. A new policy is being prepared to cover education contributions for development on sites outwith Contribution Zones. In the meantime, the Guidance states "the net impact on infrastructure capacity will be assessed. If it is necessary to mitigate that impact by providing additional capacity above and beyond the actions identified within the Action Programme, the Council will consider whether a legal agreement can be used to mitigate those impacts.

These identified infrastructure requirements may be added to the actions in the Action Programme. The Council will always ensure that contributions are proportionate to the impacts arising from any new development and used to mitigate those impacts."

The catchment schools for the application site and the expected pupil generation using the assumed pupil generation rates set out in the Edinburgh Local Development Plan Revised Education Appraisal (June 2014) are as follows:

<i>Catchment School</i>	<i>Predicted Pupil Generation</i>
<i>Broughton PS</i>	<i>2</i>
<i>Drummond HS</i>	<i>1</i>
<i>St Mary's (Leith) RC PS</i>	<i>0</i>
<i>Holy Rood RC HS</i>	<i>0</i>

A report on Rising School Rolls to the Education, Children and Families Committee on 9 December 2014 indicated that there will be insufficient capacity in primary and secondary schools across the City within eight years and the schools where pupils are generated in the table above are included within that assessment.

The Developer Contributions Guidance requires the Council to ensure that contributions are proportionate to the impacts arising and used to mitigate those impacts. At present it has not been possible for a new contribution zone with appropriate actions to be developed for the area in which this development site is located. In the absence of a contribution zone, it is proposed to use the figures in the Council's previous developer contributions policy to identify "a proportionate contribution". In October 2009, these were £411 per flat for non-denominational primary and £357 per flat for non-denominational secondary.

The required contribution for this development will therefore be as follows:

<i>ND Primary school:</i>	<i>£411 x 40 =£16,440</i>
<i>ND Secondary school:</i>	<i>£357 x 40 =£14,280</i>
<i>Total</i>	<i>=£30,720</i>

This should be indexed linked at the point of payment to October 2009 using the All-in Tender Price Index figures as published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors on a quarterly basis.

It is recommended that this be secured through a legal agreement which will include a requirement for the Council to identify and implement relevant actions to increase non-denominational capacity at Drummond High School and/or one or more of its feeder primary schools.

It should be noted that if the pupils generated by this development require the delivery of new infrastructure which cannot be fully funded by the developers contributions secured then, as there are currently no budget allocations within the Children and Families capital programme to deliver infrastructure required as a result of new development, there may ultimately be a shortfall in education infrastructure in the catchment schools associated with this development site.

Economic Development

The following are comments from the City of Edinburgh Council's Economic Development Service (EDS) which relate to the planning application 14/05208/FUL proposing the removal of an existing office building and associated storage yard and the erection of 40 flats at 14 Ashley Place, Edinburgh.

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 through supporting businesses and the provision of an adequate supply of workplaces.

Commentary on existing uses

Ashley Place is located in the Bonnington area of the City just off Newhaven Road and adjacent to the Bonnington Industrial Estate.

14 Ashley Place is owned by Cornhill Building Services Limited and currently used as office space (Grade B) with a storage yard. The surrounding area offers a mix of light industrial/office and residential uses.

As per the SAA, the site is currently occupied by Cornhill Building Services Limited (the applicant), Edinburgh Voluntary Organisations Council (EVOC) and Edinburgh Advocacy and Representation Service.

Redevelopment of the building would also include the removal of several trees on the surrounding land which are within the footprint of the proposed new building.

Commentary on Proposed Uses

The site area is 3,935 sq m. As general office use, this would allow for approximately 327 full time equivalent jobs; and as general industrial it would allow for approximately 109 full time equivalent jobs. According to information provided by the applicant, the proposed redevelopment would likely allow for between 20 and 30 temporary building contractors, as well as a sales and marketing team of around 6 staff.

The proposed development would provide 40 units, with 20% being affordable. There would be provision of 34 parking spaces; 32 private/2 affordable.

In 2013 the average number of persons per household in Scotland was 2.08. Given that 1 in 3 resident workers in Edinburgh commute by car this result in approximately 26 additional vehicles in the local area (assuming full capacity of the 40 units with two workers in each.)

The development can be expected to support jobs in the area via household expenditure. Given the average expenditure of households in Scotland (£449 p/w), the combined expenditure of the households within the development is projected to total approximately £17,960 p/w.

When advertising the site for sale in 2013, Ryden quoted the annual rent value as being £14,000, assuming all 6 units were occupied. At that time 3 of the 6 units were vacant which perhaps indicates a lack of demand for office space in the area despite the reasonable rental prices (approximately £54 p/sq as at 2013.).

The smallest of the three occupied units, currently occupied by Edinburgh Advocacy and Representation Service (93 sq m), has a slightly higher rent price of approximately £73 p/sq m. However, this rate is low given that prime rents are now over £323/sq m and properties in peripheral locations like Ocean Point and Orchard Brae House are quoting between £178 and £205/sq m.

The design statement prepared by Hackland+Dore makes reference to the Bonnington Development Brief (2008) which identifies the site as being zoned for residential/office use. The maps contained within the Brief showing uses at that time support this reference.

In addition to this, the Brief states that "all sites for new development will be required to include a significant element of new small business space to help meet the need in north east Edinburgh."

The (Second Proposed) Local Development Plan (Policy Emp 9) states that proposals to redevelop employment sites in the urban area for uses other than business, industry or storage will be permitted 'provided they do not prejudice or inhibit the activities of nearby employment use.' When it is considered that there have been various other planning applications submitted for redevelopment of business space in the area to date (e.g. 14/05146/FUL), it is arguable that remaining businesses will be inhibited.

That being said, the policy also states second criteria; that the redevelopment should contribute to the comprehensive regeneration of the wider area. The proposed redevelopment would sit well alongside the recently proposal for Bonnington Road Lane (14/03896/PAN) which is residential led regeneration consisting of 200 flats. It is acknowledged by the Council that Edinburgh needs more housing and, therefore, housing land.

The Council also acknowledges that Edinburgh needs more office space. In November 2014, a research paper was presented to the Economy Committee looking at the shortage of office space in Edinburgh. It noted that the total supply of vacant office space in Edinburgh stood at 204,400 sq m in April 2014 (of a total supply of around 2,137,000 sq m.) The paper also notes that the total office take-up in Edinburgh was 69,956 sq m in 2013 - the highest annual figure since 2007. In the second quarter of 2014, there was 220,160 sq m of take-up: 14,307 in the city centre and 5,853 out of town.

The paper addresses the fact that Grade B office space is also important since not every business will require an open plan suite at a high cost. Grade B offices can't be built since construction costs are so high that prime rents would be required to stack it up. Refurbishing Grade B spaces seems the best way to address the growing shortage of Grade A office space.

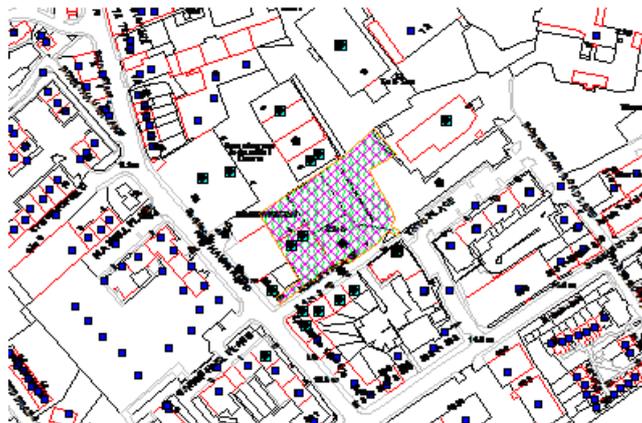
Summary response to consultation

A number of issues for consideration have been raised here.

- It is recognised that Bonnington is becoming more residential and is starting to have less of a business focus.*
- There is an identified need for more housing to provide homes for an increasing population and support economic growth.*

- *The LDP supports the development of housing in urban areas and does not denote the Bonnington area as a 'Business and Industry Area.'*
- *The proposed development would allow for the provision of 40 residential units with associated parking, resulting in an increase of household expenditure in the area of approximately £17,960 p/w.*
- *The associated parking may add pressures onto infrastructure in the local area and the provision may not be enough where some households have more than one vehicle.*
- *There is an identified growing shortage of office space in Edinburgh and it is recognised that the retention and improvement of Grade B office space is key to tackling this.*
- *The proposed development would remove the potential for approximately 327 full time equivalent jobs if fully occupied as general office space. In comparison, the proposed development would allow for approximately 36 temporary jobs lasting, in the best case scenario, for approximately 18 months after completion of the development.*

Location Plan



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