

Development Management Sub Committee

Wednesday 13 January 2016

Application for Planning Permission 15/03571/FUL At 4 Abbey Lane, 6 Comely Green Crescent, Edinburgh Demolition of existing units and erection of 139 new apartments (as amended).

Item number	7.1
Report number	
Wards	A14 - Craigentenny/Duddingston

Summary

The proposal complies with the development plan. Although the site is constrained by some of the surrounding uses, it is a suitable location for residential development. The scale, form and design is appropriate for a high density development in this location. There will be no unreasonable loss of amenity to neighbouring residents. Appropriate mitigation can be designed into the scheme to ensure that an appropriate level of amenity can be provided to future residents, while ensuring that the existing operations that neighbour the site will not be impacted by the development. The level of parking proposed is acceptable as the site is accessible and is in close proximity to public transport and local amenities. The proposal is suitable in all other respects, subject to a legal agreement and conditions. There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITE3, CITE9, CITE12, CITH1, CITH2, CITH3, CITH4, CITH7, CITT4, NSG, NSGD02,
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Report

Application for Planning Permission 15/03571/FUL At 4 Abbey Lane, 6 Comely Green Crescent, Edinburgh Demolition of existing units and erection of 139 new apartments (as amended).

Recommendations

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

Background

2.1 Site description

The development site is an irregularly shaped 0.79 hectare area of land forming part of Abbeyhill Industrial Estate. The site is currently occupied by a storage and distribution warehouse and a former car showroom. It is bound to the north by Abbey Lane with a four storey residential development beyond. To the north-east of the site is a category B listed terrace fronting onto Comely Green Place (listed on 19 December 2002, reference number 49051). The road bounds the eastern side of the site with a contemporary four storey residential development opposite. At the south east corner is an operational vehicle repair garage. To the south is the railway line with a catering business beyond and to the west is a multi-ridged building comprising six commercial premises which also forms part of Abbeyhill Industrial Estate.

The ground levels are fairly even across the application site and the remainder of the industrial estate to the west. However, the topography of the surrounding area slopes downward from north to south, with the garage to the south-east being approximately one storey below the level of the site.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application, as amended, proposes the demolition of the existing buildings on the site and the erection of a residential development of 139 flatted units. The development will comprise three separate blocks, arranged along a north-south street, with an east-west spur. It has a general height of four storeys with six storey corner blocks. The architectural style is a contemporary rhythmic approach, with flat roofs and vertical emphasis provided by the fenestration pattern.

Two accesses to the site, from Abbey Lane and Comely Green Crescent, will be retained as the entrances to the development and will be linked by a new road which intersects the site.

Block One

Block one will be located toward the western side of the site and positioned in a north-south direction with its principal elevation facing east. It will extend to almost the full length of this part of the site and will front onto the new internal street. It will be predominantly four storeys with the northern corner block rising to six storeys. The block will contain 54 units providing 13 one bedroom flats and 41 two bedroom flats.

Block Two

Located at the north-east corner, the block will be U-shaped to provide frontages onto Comely Green Place and the new roads within the site. The frontage onto Comely Green Place will continue the building line of the adjacent category B listed building and will be four storeys in height. As the block turns into the site, the building will step up to six storeys to reflect the scale and massing of the other corner blocks. The block will be split into 31 units and will contain the majority of the affordable housing to be provided across the site. The block will be formed of nine one bedroom, 18 two bedroom and four three bedroom flats.

Block Three

The block will be located at the south-east of the site and will also have a U-shaped form, providing frontages to Comely Green Crescent and the new internal streets. A six storey corner block will be provided on the central junction of the internal street. The block will contain 54 units providing seven one bedroom, 43 two bedroom and four three bedroom flats.

Each of the blocks will be finished in stone coloured facing brick, with grey recycled uPVC windows. Internal refuse stores will be located on the ground floor of each block and secure external cycle stores provided for the residents.

Seventy car parking spaces will be provided on either side of the new roads within the site with three additional spaces provided on Comely Green Crescent. It is proposed that five of the spaces will be for disabled users and two of the spaces on Comely Green Crescent will be for the use of the City Car Club. The new roads will all be constructed to an adoptable standard.

Previous Scheme

The proposal was amended to increase the internal floor areas of the units and to amend the internal layouts of some of the most southerly units to minimise noise impact from the railway line.

Supporting Statement

The following documents have been submitted in support of the application:

- Design and Access Statement;
- Pre-application Consultation Report;
- Noise Impact Assessment;
- Bat Survey;
- Sustainability Statement;
- Flood Risk Assessment;
- Drainage Strategy Report;
- Tree Survey;
- Road Safety Audit;
- Air Quality Impact Assessment; and
- Transport Assessment.

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

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 proposal is acceptable in this location;
- (b) the proposal is acceptable in terms of its scale, form, design and materials;
- (c) the proposal will result in an unreasonable loss to neighbouring amenity;
- (d) the proposal will provide an acceptable level of amenity for future occupiers;
- (e) the proposal will give rise to any transport and accessibility issues;
- (f) there will be any issues in relation to flood prevention;
- (g) the proposal will impact on the historic environment;
- (h) there will be any issues in relation to trees or biodiversity;
- (i) the proposals address issues of sustainability;

- (j) the proposal addresses any infrastructure resource issues;
- (k) the proposal have any equalities or human rights impacts; and
- (l) any comments raised have been addressed.

(a) Principle

Housing Development

The Edinburgh City Local Plan was adopted more than five years ago, in January 2010. Paragraph 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 Paragraph 29 lists a number of sustainable development principles, which should be used to guide decisions.

The proposals are consistent with the following principles:

- supporting good design and the six qualities of successful places; and
- avoiding over-development, protecting the amenity of new and existing development.

The site is within the Urban Area in both the adopted Edinburgh City Local Plan (ECLP) and the Second Proposed Local Development Plan (LDP), submitted to the Scottish Ministers for examination on 29 May 2015.

Policy Hou 1: Housing Development of both the ECLP and the Second Proposed LDP supports housing development on suitable sites within the urban area.

The Local Development Plan Housing Land Study (June 2014) indicates that the whole of the Abbeyhill Industrial Estate, including the units to the west that do not form part of the proposal, could accommodate 129 units and has a low probability of being developed for housing. Therefore, residential development on this site will contribute towards meeting the Council's windfall housing assumptions. The proposal is for 139 flats i.e. 10 more units than predicted in the Study, and leaves part of the site available for future development. The proposed development will improve the area by introducing housing on an urban infill site and contributes toward meeting housing need.

Loss of Employment Premises

The site is currently occupied by two industrial units: a 2,474 square metre warehouse (4 Abbey Lane) and a 669 square metre former car showroom (6 Comely Green Crescent). The proposal will result in the loss of both of these units. Economic Development has no objections to the proposal, citing that industrial units of this scale on city centre sites are not attractive to intensive industrial users due to the poor access to the motorway network and difficulty in accessing them with articulated lorries and other large goods vehicles.

Policy Emp 4 of the ECLP encourages development for employment purposes on land within the urban area. Where a proposal incorporates uses other than business, industry and storage, a significant element of new floorspace should be provided for a range of business users. The current proposal is for a wholly residential development and therefore does not fully comply with this policy.

However, policy Emp 9 of the Second Proposed LDP removes the requirement to provide new floorspace for business users on sites smaller than one hectare. Accordingly, under emerging planning policy there is no requirement to provide additional commercial floorspace for a development of this scale. The provision of a housing development on an accessible brownfield site in a predominately residential area justifies an infringement to policy Emp 4 and its omission is acceptable, in this instance.

(b) Scale, Form, Design and Materials

Design policies Des 1, Des 2 and Des 3 of the ECLP, together with Des 1, Des 2, Des 3 and Des 4 of the Second Proposed LDP outline a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area, with the need for high quality design which is appropriate in terms of height, scale and form, layout and materials.

Due to the age and uses of the buildings in this area, the built environment around the site varies broadly with limited architectural uniformity. This piecemeal development has led to the creation of a townscape made up of individual sites that do not relate to each other and lack integration. The layout of the proposed development contributes towards improving the spatial pattern and permeability of the area through the creation of a legible urban form that responds to and draws upon the positive characteristics of its surroundings. In particular, the layout utilises the existing residential developments on the eastern side of the site to inform the orientation of the buildings and create a two-sided residential street.

The frontage onto Comely Green Place and Comely Green Crescent will be four storeys to replicate the scale of the neighbouring residential developments. Where block two fronts Comely Green Place it will continue the building line of the adjacent three storey listed building. The flat roof of the proposal will be higher than the eaves level of the neighbouring building but will be of a scale that allows it to integrate with the adjacent building and those opposite. Block three, to the south-east of the site, is angled to reflect the flatted development opposite and will be set further back from the road than the Block two frontage, to allow for the provision of three parking spaces and landscaping between the elevation and the road. The roof of the proposal will be approximately level with the roof ridge of the flatted development opposite. The scale and positioning of the blocks will help to create a strong frontage along Comely Green Place and Comely Green Crescent as well as the proposed internal streets.

The design strategy incorporates the provision of three flatted blocks of four storeys with six storey elements. The six storey corners are higher than the buildings immediately surrounding the site, with the exception of the eight storey arc building to the north-west. However, they are positioned to minimise their impact and will not be visible in any key views. There are several other examples within the locale where the heights of the buildings vary and it is not uncommon throughout the wider area to see a juxtaposition of heights in adjacent buildings.

In terms of height and mass, the development responds well to the difference in ground levels. It is compatible with the neighbouring developments and will not be visually dominant. The taller elements contribute to a high density urban development with a varied townscape which will complement its surroundings and add visual interest.

The design and form is simple, utilising a limited palette of materials and rhythmic fenestration to give an ordered and clutter free appearance. The proposed elevational treatments will be stone coloured brick with grey uPVC window frames. The proposal demonstrates a clear design concept where the architecture includes modest contemporary elements which are appropriate in its context.

The proposals were presented to the Edinburgh Urban Design Panel prior to the submission of the application. The panel welcomed the proposal for housing on the site, and supported the general approach of a high-density flatted development with street-based layout.

The new street encourages movement through the site, particularly from Abbeyhill and Abbey Lane to Stanley Place. Areas of planting will be provided along the frontages, providing defensible space for the new properties and softening the streetscape. The quiet street provides a safe, welcoming environment for pedestrians that encourages social interaction and an opportunity to connect neighbouring housing developments to the commercial uses on Easter Road, London Road and Meadowbank Retail Park.

Block one will have two pends allowing pedestrian access through the building to the rear, which will allow for connections to be created with the remainder of the Abbeyhill Industrial Estate should there be a future proposal for the redevelopment of this site.

Waste storage has been calculated against the standards set out in the Edinburgh Design Guidance. Communal bin stores have been designed as integral parts of the residential blocks. Each block will be provided with dedicated external cycle storage facilities.

In summary, a clear layout has been provided that helps to integrate this site into the surrounding area. The proposal is a simple, modern design that is appropriate to its location. The site is appropriate for higher density development due to its accessibility to public transport and local services and relationship to existing flatted developments to the west. The impact of the development on its setting has been thoroughly assessed and the redevelopment of the site will not have a detrimental impact on the setting and wider townscape.

(c) Impact on Neighbouring Properties

Window to window distances within the application site are generally over 18 metres apart. The window distances from the front of block two to the flats opposite on Comely Green Place will be 16 metres. Similarly, the windows on the rear of Block Two will be 12 metres from the rear of 9-12 Comely Green Place. However, the windows will be staggered or angled away from each other for increased privacy.

In relation to daylight, the applicants have provided assessments of the Vertical Sky Component (VSC) on affected windows on neighbouring properties. The VSC is the measure of daylight reaching an external wall or window and is measured as a percentage. The Council normally seeks a VSC of more than 27%. The calculations for the proposal show VSCs above 27% to neighbouring residential properties. Therefore, the level of daylight reaching these windows will be acceptable.

There will be a degree of overshadowing to land within and outwith the application site but not of a level which would be considered detrimental to amenity.

Overall, the proposal is acceptable in terms of privacy, daylight and overshadowing.

A number of the representations have cited noise and disruption during the construction phase as a reason for objecting to the development. Construction noise and vibration is normally addressed and regulated under The Control of Pollution Act 1974 which gives the Council's Environmental Health Officers the powers to control noise and vibration pollution from construction sites. Site working hours are regulated which allows noisy construction works to take place only from Monday to Saturday between 07:00 and 19:00. Any works requiring to be undertaken outside the daytime hours will require permission from the Council.

The noise impact assessment has also addressed the potential for train noise being reflected from the facade of the proposed building and impacting upon properties across the railway (Spring Gardens).

The noise impact assessment has demonstrated that noise levels will actually decrease on the other side of the railway. It is predicted that the proposed removal of the existing industrial buildings on the site will cause a minor reduction of ~ 2 dBA at north-facing elevations of dwellings within Spring Gardens. This decrease will be imperceptible to those residents and Environmental Assessment is satisfied that the proposed development will not adversely impact upon the amenity of the Spring Gardens residents.

(d) Amenity of Future Occupiers

Policies Hou 2, Hou3 and Hou 4 of the ECLP and the Second Proposed LDP seek to deliver developments that provide a mix of house types with an appropriate density and adequate private green space.

The Edinburgh Design Guidance advises that within developments of 12 or more units a minimum of 20% should be designed for families, with direct access to private gardens. The development is predominantly one and two bedroom properties with eight three bedroom properties provided, of which half will be affordable. The aspiration to provide larger units and private gardens requires to be balanced against the constrained nature of the site and the desire to provide a high density development in an appropriate area. The nature and location of the site supports high density development and the benefits, in terms of the regeneration of the site and the provision of additional affordable housing, justify a departure from the guidance in this instance.

Of the total units in the development 115 will comply with the minimum floor areas. Therefore, 24 of the units (17% overall) will not comply with the recommended minimum floor areas set out in the Edinburgh Design Guidance. All of the units that do not comply will be market housing. Six of the units will have one bedroom, a floor area of 46.7 square metres (10% below recommendation) and will be dual aspect. Six will have two bedrooms, a floor area of 61.4 square metres (7% below recommendation) and be dual aspect. Twelve will have one bedroom, a floor area of 44.8 square metres (14% below recommendation), and will be single aspect.

The proposed housing mix and smaller size of some flats does not accord with the Edinburgh Design Guidance. However, the guidance is intended to be informative rather than prescriptive and although the sizes of some units are below the recommended minimum area, this in itself does not mean the properties will suffer from an unacceptable lack of amenity. The internal layouts of the properties have open plan living room/kitchens and bedrooms with large windows that will ensure they are provided with sufficient daylight and sunlight. All the properties in the development benefit from being in a central location with public transport and local amenities within walking distance. On this basis, notwithstanding the provisions of the design guidance, the proposed development provides a satisfactory residential environment for future occupiers.

Approximately 22% of the site is to be covered by amenity space, which accords with Policy Hou3 of the ECLP and Second Proposed LDP. Further tree planting is to be provided within the site with green edges and hedging to be provided along the buildings frontages, providing defensible space for future residents.

The south of the site is adjacent to the east coast mainline railway which carries regular intercity and local rail traffic. This may impact the proposal by way of noise and vibration. In addition, the remainder of the industrial estate to the west, the vehicle repair garage to the east and a catering business across the railway to the south all have the potential to emit noise that may have an adverse impact on the future occupiers of the development.

The applicant has submitted a noise/vibration impact assessment in support of the application. Based on this assessment, railway noise is the dominant source of noise affecting the proposed development.

The noise impact assessment had shown that noise levels in the nearest bedrooms on the south-facing elevations close to the railway were predicted to exceed recommended levels. The internal layouts of some of the units have been amended to ensure bedroom windows in the affected blocks will no longer be included. The assessment has now demonstrated that with the introduction of appropriate acoustic insulation, noise from the adjacent railway can be reduced to acceptable levels inside all the habitable rooms. Conditions will be required to ensure that the correct level of acoustic glazing is installed.

External noise is predicted to exceed the recommended level for outdoor living areas. On balance Environmental Assessment has not objected to the proposal on the grounds of outdoor noise levels being exceeded. This is due to the fact that there are already residential gardens in close proximity to the rail track and the proposed garden areas are not proposed to be private.

The noise impact assessment has considered noise impacts from the units to the west of the site and concluded that there will be no adverse impacts. The assessment also found that there was little noise breakout from the garage to the east of the site. Noise from the catering services business on the south side of the railway has also been assessed, but due to train movements it is not likely to be significant at the proposed development site, compared to noise from running trains. Environmental Assessment has confirmed that no further mitigation measures are required to address the existing commercial noise impacting upon the proposed residential development.

Levels of ground-borne vibration have been assessed and are unlikely to adversely impact upon the future residents. The levels of ground-borne vibration may be affected by any changes in ground conditions e.g. arising from the replacement or consolidation of fill. The proposed design of the buildings, including the foundations, should take account of any changes in the fill between the railway and the proposed foundations to ensure that vibration from the railway complies with the Guidelines within BS 6472-1:2008. Environmental Assessment has recommended that this be included as an informative.

(e) Transport and Accessibility

The development does not meet the Council's requirements under the current parking standards. In this area there is a minimum requirement of 1 space per property for general market housing (105 spaces) and 0.2 spaces per property for affordable tenures (7 spaces), giving a total requirement of 112 spaces. The developer proposes to provide a total of 73 spaces (approximately 65%) including 2 car club spaces. On this basis, Transport has recommended that the application is refused due to a shortfall in parking provision on site and in the wider area.

The site is located within convenient walking distance (150m) of the nearest bus stops on London Road, where regular services are operated to locations across the city. The site also benefits from its close proximity to Meadowbank Retail Park and Easter Road where a range of local amenities are provided. Although the parking does not meet the Council's parking standards, the reduced level is supported by the Council's policies on townscape, open space and air quality. The Edinburgh Urban Design Panel was also supportive of a reduction in parking, reflecting the highly accessible nature of the development site.

An air quality impact assessment has been provided in support of the application which advises that the overall increase in air pollution as a consequence of the increase in road traffic generated by the development is likely to be negligible. Based on the assessment carried out, Environmental Assessment agree with the findings. The applicant is encouraged to provide electric charging points and an appropriate informative is recommended.

Transport has recommended that, should the application be approved, each new household should be provided with a Welcome Pack containing a map of the neighbourhood, showing cycling, walking and public transport routes to key local facilities, and including timetables for local buses and trains and including at least a month's bus, tram or rail travel vouchers. This would be provided via a legal agreement.

The proposal includes the provision of two city car club spaces. The introduction of city car club spaces will offer an alternative to private car ownership and will provide a wider benefit to the area and not just the occupiers of the development.

The city car club contribution and a Traffic Regulation Order will also be secured through a legal agreement.

Secure cycle parking will be provided within dedicated external stores located next to each block.

Overall, despite the reduced level of parking, the site is accessible and is in close proximity to public transport and local amenities. In addition, if more parking were to be provided then this would result in reduced open space provision within the site. Therefore, a reduction in the number of parking spaces required by the Edinburgh Parking Standards is justified and the level of parking proposed for the development is acceptable.

(f) Flood Prevention

Following discussions between the applicants and the Council's Flood Prevention Team, agreement has been reached on acceptable drainage and surface water management arrangements for the site.

(g) Historic Environment

The site has been identified as occurring within an area of archaeological potential. Therefore, it has been recommended by the Council's Archaeology Officer that a condition be imposed on any consent to ensure that a programme of archaeological works is undertaken prior to construction.

The building to the north-east of the site at 9-12 Comley Green Place is category B listed (listed building reference: 49051, listed on: 19 December 2002). The building is a three storey and basement classical Georgian terrace and is the only remaining building of this style and period in this locale.

Where the development fronts Comley Green Place it will continue the building line established by the listed building with a two metre space retained between the gables. The new development will be four storeys and will project above the eaves of the listed building. However, as each storey height of the new development is less than that of the listed building the overall height difference will not be significant.

The listed building currently sits on its own on the corner of Abbey Lane and Comely Green Place. However, it would have originally formed part of a larger terrace of similar buildings, which is evidenced by the treatment of the south facing gable. Therefore, the development will reintroduce part of what was the original urban form and has a scale and form that will not be detrimental to the appearance or historic interest of the listed building or its setting.

(h) Trees and Biodiversity

A tree survey has been submitted in support of the application and provides justification for the loss of the existing trees on the site. The trees that are currently on the site are not worthy of retention and their removal is justified. Planting in mitigation will be provided along the boundaries, throughout the amenity spaces and streets.

(i) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of Part A of the Edinburgh Standards for Sustainable Buildings.

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy efficiency	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
Total points:	80	80

The proposal meets the essential criteria. In addition the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. Additional measures include a commitment to using of sustainable timber and the provision of solar panels on the roof of block two of the development.

(j) Infrastructure Issues

Of the 139 units provided on site, 34 will be affordable. This level of on-site provision meets the 25% requirement specified by Policy Hou 7: Affordable Housing of the ECLP and Policy Hou 6: Affordable Housing of the Second Proposed LDP. The majority of these will be located in block 2, and will be tenure blind.

A contribution is sought to alleviate the potential impact of the development on local schools. The contributions will be secured through a Section 75 legal agreement.

The level of contribution required is £560.08 per flat for non-denominational primary schools, £836.31 per flat for non-denominational secondary schools and £124.43 per flat for RC secondary schools. This equates to a total contribution per unit of £1,520.82, requiring a total education contribution of £211,394 for the proposed 139 flats. These figures will be index linked when payment is made.

(k) Equalities and Human Rights

The applicants have stated that the development will be in accordance with PAN 78 on inclusive design. This applies to the public squares, footpaths, facilities and open spaces as well as the buildings. The proposed development includes the provision of five disabled parking spaces. In addition, the flats will be served by internal lifts, allowing access to the upper floors for a range of users.

Overall, the development will have a positive effect in terms of equalities. There will be no human rights impacts.

(l) Public Comments

- The height of the six storey elements of the proposal - addressed in section 3.3(b)
- Loss of sunlight to existing properties - addressed in section 3.3(c);
- Parking in the area is currently difficult and the development will exacerbate this issue - addressed in section 3.3(e);
- The design is not in keeping with other developments in the area - addressed in section 3.3(b);
- Affordable housing should be provided as part of the development - addressed in section 3.3(j); and
- Relationship to the listed building - addressed in section 3.3(g);

Conclusion

In conclusion, the proposal complies with the development plan. Although the site is constrained by some of the surrounding uses, it is a suitable location for residential development. The scale, form and design is appropriate for a high density development in this location. There will be no unreasonable loss of amenity to neighbouring residents. Appropriate mitigation can be designed into the scheme to ensure that an appropriate level of amenity can be provided to future residents, while ensuring that the existing operations that neighbour the site will not be impacted by the development. The level of parking proposed is acceptable as the site is accessible and is in close proximity to public transport and local amenities. The proposal is suitable in all other respects subject to a legal agreement and conditions. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of construction works on site:
 - (a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning , either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

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

2. The following noise protection measures to the proposed development, as defined in the Airshed 'Noise and Vibration Assessment' report (Ref AS 0480 Abbey Lane Rev06), dated 29 October 2015:
 - Glazing units with a minimum insulation value of 9.1mm-20mm-13.1mm double glazing should be installed for the external glazing on all bedroom on the south facade facing the rail track with trickle vents providing a minimum sound reduction index of 55 dB Dne.
 - Glazing units with a minimum insulation value of 10,5mm -16mm-10mm double glazing should be installed for the external glazing on all living room/lounge areas on the south facade facing the rail track with trickle vents providing a minimum sound reduction index of 39 dB Dne.

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

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 Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. Prior to the commencement of development details of the proposed cycle parking including: specification, design, location and security shall be submitted to and approved in writing by the Planning Authority.
5. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to protect the amenity of the occupiers of the development.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. To ensure sustainable modes of transport are achievable.
5. In order to safeguard the interests of archaeological heritage.
6. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. A legal agreement is required and must be signed before planning permission is granted for the following developer contributions:

Transport

- provide each new resident with a Welcome Pack, containing a high quality map of the neighbourhood, showing cycling, walking and public transport routes to key local facilities, and including timetables for local buses and trains. Each welcome pack to include at least a month's bus, tram or rail travel vouchers for each new household and to be agreed in writing with the Head of Planning prior to the first occupation of the development
- City Car Club contribution - £7,000
- Relevant traffic orders - £2,000

Education

- Education contribution of £211,394 (to be index linked)
- Affordable Housing
- The legal agreement will also secure at least 25% affordable housing.

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. 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 adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
6. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
7. A Certificate of Technical Approval may be required from the City of Edinburgh Council's Structures Department in relation to retaining wall at Comely Green Crescent;
8. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point
9. The applicant must ensure that connectivity to adjacent site and Abbey Lane can be achieved should there be an opportunity to deliver this at a future date. An area of adoptable road must be taken up to the boundary of the site;
10. Electric vehicle charging outlets should be considered for this development which includes:
 - Dedicated parking spaces with charging facilities;
 - Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

11. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of Head of Planning. There should be no discharge of water onto the road network;
12. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).
13. If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.
14. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.
15. The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
16. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

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

There have been 17 representations received in respect of the proposal. There have been 15 objections including one from the Royal Park Terrace and Spring Gardens Residents Association.

Material objections:

- The height of the six storey elements of the proposal;
- Loss of sunlight to existing properties;
- Parking in the area is currently difficult and the development will exacerbate this issue;
- The design is not in keeping with other developments in the area;
- Affordable housing should be provided as part of the development; and
- Relationship to the listed building;

Non-material objections:

- Impact on property values in the area; and
- Loss of views from existing properties.

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**

Edinburgh City Local Plan - Urban Area.

Date registered

2 August 2015

Drawing numbers/Scheme

01, 02B-04B, 05A-09A, 10-13, 14A, 15-17,

Scheme 2

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Alexander Gudgeon, Planning Officer
E-mail:alexander.gudgeon@edinburgh.gov.uk Tel:0131 529 6126

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

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

Policy 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 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.

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.

Appendix 1

Application for Planning Permission 15/03571/FUL At 4 Abbey Lane, 6 Comely Green Crescent, Edinburgh Demolition of existing units and erection of 139 new apartments (as amended).

Consultations

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 which is for planning permission in principle proposes 139 residential homes of one, two and three bed apartments. As such and in terms of the AHP, there will be a requirement for 34 homes of approved affordable housing tenures on site. The applicant has made a commitment to the provision of 25% approved affordable housing tenures and this is welcomed by this department.

The applicant has engaged with an RSL (Port of Leith Housing Association) and agreed to deliver 23 homes for social rent and 8 homes for mid market rent. A further 3 homes will be delivered as Golden Share which is an approved affordable tenure in accordance with the AHP guidance. This mixture of affordable tenures together with the provision of private homes in a wider residential area will help to develop a mixed sustainable community and is commended by this department. This department would like the affordable homes to be tenure blind and offer a representative mix of one, two and three bedroom homes in more than one location on the site. The location of the site close to local amenities including a retail park and is also in close proximity to extensive bus services.

This department is supportive of this application which will provide a mixture of homes of approved and much needed affordable tenures. The applicant will be required to enter into a Section 75 Legal Agreement to this effect and it is requested that this be included in the informatives section of the report to committee.

Archaeology

The site is currently occupied by two modern commercial units. However Ainslie's 1804 plan of Edinburgh shows that the site was partly occupied by a group of buildings leading off from Abbey Lane. This road formed the medieval link between the Holyrood Abbey and Canongate with the medieval church and settlement at Restalrig. By 1832 the is earlier group of buildings appears to have been replaced by two separate buildings, though it is unclear from this Reform Act plan whether or not one of these structures becomes Comely Green House. This house and its associated cottages dominate the site through mid 19th century. The 1st Edition Map of the area shows the southern part of the site being used as a railway siding. By the end of the century Comely House has gone with the whole area being taken by railways to form the Rose Lane Goods Station..

As such this site must be regarded as being of archaeological potential and 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.

Though the site has undoubtedly been affected by the construction of the modern commercial units it is still considered possible that significant remains associated with the 19th century Railway Goods Yard and earlier occupation including Comely Green House and Cottage may survive. As such it is considered that this proposal will have a potential low-moderate archaeological impact. Accordingly it is recommended that the following condition be attached consent, if granted, to ensure that a programme of archaeological works is undertaken prior to/during construction/demolition in order to excavate, record and analysis any significant archaeological deposits that may be uncovered.

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

The work would 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.

Children and Families

CONTRIBUTION ZONE ACTIONS

Drummond

Action Cost [Index Linked](#)

3 ND Primary Classes

(could be provided at any of the Drummond Cluster ND primary schools or if not possible to develop these sites (all are constrained) then catchment review with neighbouring schools (in different High School clusters) may be required with building work at the receiving school/s £838,627.24

Q1 2015

Extension of Drummond High School for 40 Pupils £1,276,212.26 Q1 2015

RC Extension for 6 pupils £191,431.84

Q1 2015

Total number of units in catchment - 1466 (1441 flats, 13 houses)

COST PER UNIT DRUMMOND CONTRIBUTION ZONE

	ND Primary Contribution	ND Secondary Contribution	RC	Primary	
Contribution	RC Secondary Contribution	Total per unit			
Flats	£560.08	£836.31	£0.00	£124.43	£1,520.82
Houses	£2,427.02	£5,468.19	£0.00	£933.21	£8,828.42
15/03571/FUL					139
Flats	£211,394				
Payment to be Index Linked					

Economic Development

Application details

The application proposes the demolition of the existing retail units on site and the erection of 139 new apartments over 4 storeys.

Commentary on existing uses

The site is located in the Abbeyhill area of the City and is 8,000 m² in size. The site is currently occupied by two industrial units: a 2,474 m² warehouse (4 Abbey Lane) and a 669 m² former car showroom (6 Comely Green Crescent).

The site is located within the Abbeyhill Industrial Estate. The two units each adjoin the six terraced industrial units at 2/1 to 2/6 Abbey Lane, which provide a total of 2,206 m² of space. It is understood that four of the six units are currently let and that the units have achieved healthy rents of approximately £75/m² (above the mean rent for small industrial units in Edinburgh). The surrounding area offers a mix of residential, retail, business and light industrial uses as well as some food and drink outlets.

At present, 4 Abbey Lane is vacant and 6 Comely Green Crescent is temporarily occupied by Watkin Jones Group, the construction firm working on the nearby Knightsbridge Student Housing development (scheduled for completion in the second half of 2015). Combined, the existing two units could potentially support approximately 67 full-time equivalent jobs if fully let for light industrial use.

The Economic Development Service has prepared a report looking at supply and demand in industrial markets in Edinburgh. The report indicates a growing shortage of industrial space in Edinburgh and in particular a shortage of small units (up to 186 m²). As of August 2015 there was no new industrial space under construction in Edinburgh.

The report suggests a role for the Council in supporting the delivery of new industrial units.

Industrial estates in city centre locations such as Abbeyhill Industrial Estate are typically not attractive to intensive industrial users due to the difficulty in accessing them with articulated lorries and other large goods vehicles; and the poor access to the motorway network. However, industrial estates of this nature are attractive to businesses with smaller-scale operations for which proximity to residents and local businesses is valued. The existing tenants of Abbeyhill Industrial Estate include a stove showroom, a bathroom/kitchen showroom and a garage.

The terraced industrial units at 2/1 to 2/6 Abbey Lane do not fall within the application. The remainder of the industrial estate is currently trading well and commanding healthy rents. It is important that any redevelopment of the adjoining land not compromise the ongoing operation of the industrial estate.

Commentary on Proposed Uses

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.

As per information from the contractor, the proposed development will directly support approximately 75 jobs on site and 32 jobs off site during construction. Thereafter, it is likely that the development will directly support a small number of jobs (i.e. factors and cleaners) between the private sale and affordable homes blocks.

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 £3.25 million p/a.

It is recognised that there is a need for more homes in the City. The area would be suitable for residential use and indeed does already support a good number of residential units and is within close proximity to a new development of student housing at Abbeyhill. It can be argued that this development could contribute to the regeneration of the wider area whilst going some way to meet Edinburgh's housing need.

Summary

- At present the site is mostly unoccupied and supports few jobs.*
- The proposed development would remove the potential for approximately 67 full-time equivalent jobs if the site was fully let as industrial use.*
- The proposed development is likely to support a small amount of jobs both during construction and thereafter.*
- The proposed development will support the local economy through additional household expenditure.*
- The proposed development will be in fitting with other uses in the area.*

Edinburgh Urban Design Panel

Executive Summary

The Panel strongly welcomes the proposal for housing on the site, and supports the general approach of a flatted development with street-based layout and low key architectural language. A number of recommendations are made for maximising connectivity, residential amenity, and the relationship with existing buildings.

Main Report

1 Introduction

1.1 The development site is part of the Abbeyhill Industrial Estate, currently occupied by a large storage and distribution warehouse and a former car showroom. To the north and east is existing flatted housing of varied architectural character, generally 3-4 stories high and including a Category B listed tenement. To the south is the railway line, and to the west is a still-operational section of the Abbeyhill Industrial Estate.

1.2 The ground level is relatively flat through the site, with a change in level at the eastern boundary with Comely Green Crescent, where the site is approximately 2m higher than the street.

1.3 The site is in close proximity to a range of local amenities, in particular London Road, Meadowbank retail park, Holyrood Park and Abbeyhill Primary School.

1.4 The proposals are for a residential development of 140-150 apartments arranged along a north-south street with an east-west spur. The buildings form small perimeter blocks, 4 storeys high with 6-storey corners. In response to questions from the Panel, the architects advised that gardens will be 9m deep, cycle storage will be built in, and permeable landscaping materials and SUDS will be used.

1.5 The site is outwith the controlled parking zone. Parking provision is under discussion with Transport, with the current suggestion being 25% for the affordable housing and one space per private dwelling.

1.6 This is the first time that the proposals have been reviewed. No declarations of interest were made by any Panel members in relation to this scheme.

Edinburgh Urban Design Panel Report - Abbey Lane redevelopment - February 2015

1.7 This report should be read in conjunction with the pre meeting papers which provide location, context, key views, sketch layout, section and precedents.

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

The Panel's view

2 Impact on the character and appearance of the area

2.1 The Panel welcomed the residential use as appropriate for the area, and were glad to see that it was not a student housing proposal. The general design approach and way in which the site has been considered is commended, and the development will create a pleasant living environment.

2.2 The use of brick as shown in the precedents is supported. Sensible detailing of flues and movement joints will be required.

2.3 Good quality, secure windows and doors at ground level to aid security is encouraged.

3 Height and massing

3.1 The Panel supported the street-based layout and the small perimeter blocks with gardens behind. The design team's aspiration to avoid larger perimeter blocks with car parking behind was welcomed.

3.2 The relatively high density is appropriate for the site, subject to daylighting assessments.

3.3 The eastern entrance to the site is very open and feels like left over rather than designed space. This is caused by the massing of the north eastern block which does not relate well to the form of the existing housing. The Panel would welcome proposals that revised the form of this block to create a more coherent and contained space.

3.4 The Panel expressed concern about the change in levels and associated retaining wall at the south east boundary of the site, specifically the potential for overshadowing and an unwelcoming canyon effect on Comely Green Crescent. Careful consideration will need to be given to massing and boundary treatment.

4 Routes and connections

4.1 The Panel commended the general connectivity and 'stitching' into the area, and the aspiration to ensure that current development does not preclude future development of the adjoining site to the west.

4.2 The Panel noted that there is a need to consider pedestrian routes to the primary school, which could currently only be reached by an indirect route that includes steep walk down narrow pavements on Abbey Lane.

4.3 While it is not known when the adjoining site to the west will come forward, the current design does not go far enough in enabling future connectivity. The long block along the north-south street prevents future connectivity along the pedestrian desire line to Abbey Lane, and generates a large perimeter block of the type identified by the design team as unsuccessful.

4.4 The Panel emphasised that options for creating connections must be considered in the earlier development to prevent them being lost. In particular, the built form should allow for future extension of the east west spur to Abbey Lane, either as a full street or pedestrian route. Options could include temporary buildings, pends, or breaks in the building line.

Edinburgh Urban Design Panel Report - Abbey Lane redevelopment - February 2015

4.5 Consideration should also be given to a future pedestrian route along the railway line to Spring Gardens, creating a more direct route to Holyrood Park.

4.6 The panel noted that this development would be an opportune time for the Council to make long overdue improvements to the routes under the railway bridges at Abbeyhill. Advised that this should be considered in parallel with this development proposal.

5 Impact on key views and skyline

5.1 The Panel welcomed the visuals showing impact on key views. Consideration of greening on the buildings to soften views from Arthur's Seat would be welcomed. It is noted that visibility will be increased at night time when the buildings will be lit.

6 Safeguarding the character and setting of the listed building

6.1 The panel noted that the north east block turns its back on the existing buildings, including the B listed tenement. Improving the relationship with the tenement would also improve the eastern entrance to the site and the developed design should seek to achieve this. Consideration should be given whether the block could continue the line of the listed building.

7 Railway line

7.1 The Panel noted the need to protect residents from railway noise at the southern boundary and the consideration of this in terms of orientation, setting the buildings back from the railway and room layout.

7.2 However, the Panel also felt strongly that it would be a mistake not to make the most of the sunlight and the views to Holyrood Park afforded by the south facing site. Opportunities for enhancing residential amenity through large windows and views to principal rooms should be explored.

8 Parking

8.1 The Panel supported the philosophy of avoiding courtyard parking which creates 'wastelands' instead of gardens, though noted that it has the positive effect of preventing walls of cars in the street.

8.2 As the site is outside the controlled zone, high parking provision could be utilised by occupants of the nearby Abbeyhill student housing development. The site is very close to good public transport links and local services, and in this context the Panel strongly supported the concept of reducing the standard parking requirements.

9 External space

9.1 The Panel supported the defensible space/small gardens at the street facades. Proximity to Holyrood Park was noted, however the Panel would encourage provision of play space or play streets within the development.

10 Affordable Housing

10.1 The Panel supports the 20% affordable housing, though would prefer to see tenure blind affordable housing spread throughout the site, rather than housed in a single block.

11 Recommendations

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

- The provision of urban housing with a high quality street frontage and 'quiet' architectural approach.

Edinburgh Urban Design Panel Report - Abbey Lane redevelopment - February 2015

- The massing and urban form, and the aspiration to 'future proof' the development to work well with adjoining sites that are likely to be developed in the future.

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

- Ensuring the built form allows for and encourages a future east-west link across the adjoining site, and which will result in an integrated and coherent urban form as the area is developed.

- Consideration of the scope for a footpath running along the railway line and creating a direct link to Spring Gardens.

- Further exploration of the parking requirements to determine the most appropriate numbers and management approach. A relaxation in the parking standards and reduction in the parking space available would be welcomed.

- Explore opportunities to capitalise on the south facing sun and the views to Holyrood Park.

- Consider reorientation of north east block to relate better to the adjoining listed building and other existing residential blocks, and to improve the containment of the eastern entrance to the site.

- Identify opportunities for play spaces or play streets.

- Consideration of opportunities for energy efficiency, combined heat and power and green roofs.

- Consideration of ensuring the affordable housing is tenure blind and spread throughout the site.

- In the interests of integration with the wider area, the Council should seek improvements to the pedestrian routes under the Abbeyhill railway bridges.

Environmental Assessment

The application proposes to site 139 residential units on a site which has existing commercial use. The proposed development consists of three blocks of 4 - 6 storey flats with 73 parking spaces.

The proposed development site is due east of the Abbeyhill Industrial Estate which is occupied mainly by retail uses (including a stove and fireplace supplier, electrical trade sales supplier, and kitchen showroom). The south of the site is adjacent to the east coast mainline railway which carries regular intercity and local rail traffic, mainly passenger trains rather than heavy freight. There is a catering services business on the south side of the railway tracks. There is a small motor vehicle workshop located to the east of the proposed development site, however residential units make-up the majority of the boundary on the north and east along Comely Green Crescent/Place and Abbey Lane. There are also residential properties on the opposite of the rail track.

The applicant has submitted a noise/vibration and air quality impact assessment in support of the application.

Rail Noise

The applicant's noise impact assessment has investigated the likely effects of noise and vibration from rail traffic may have on the proposed development. Due to its proximity to the proposed housing development site it has the potential adversely affect the site by noise from railway traffic. Based on this assessment, railway noise is the dominant source of noise affecting the proposed development. Environmental Assessment is satisfied that the surveys indicate that the sample of railway noise is representative of conditions at the proposed development site.

The noise impact assessment had shown that noise levels in the nearest bedrooms on the south-facing elevations close to the railway were predicted to exceed the World Health Organisation night-time criterion of peak noise, even if high quality insulation was installed. The applicant has amended the plans to ensure bedroom windows in the effected blocks will no longer be included. The assessment has now demonstrated that noise from the adjacent railway can be reduced inside all the habitable rooms to protect amenity and prevent sleep disturbance. The noise impact assessment has demonstrated that it can be achieved by amending the building layout and amending the internal design and introducing appropriate acoustic insulation as shown on drawing number 15005(PL)101.

In conclusion regarding rail track noise the noise impact states that noise is unlikely to significantly affect amenity or cause sleep disturbance provided the measures outlined below are implemented;

- o No bedroom windows shall be formed on elevations where the predicted peak noise inside would exceed 45 dB LAmax*
- o The adoption of appropriate measures in the design and layout of buildings, where bedroom windows facing the railway shall be fitted with a scheme of acoustic insulation to reduce exposure to peak noise levels at night*
- o All windows to other habitable rooms (kitchens and lounges) shall be fitted with intermediate or standard acoustic insulation.*

The above measures have been confirmed in the form of drawings, however conditions will also be recommended to ensure that the correct level of acoustic glazing is installed.

It has been noted that external noise levels are predicted to exceed the WHO criterion for outdoor living areas. However the applicant has not included any balconies overlooking the rail track. The general proposed outdoor green areas will be exposed to levels exceeding the above mentioned guidelines. On balance Environmental Assessment will not object on the grounds of outdoor noise levels being exceeded. This is due to the fact that there are already residential gardens in close proximity to the rail track and the proposed garden areas are not proposed to be private gardens.

Reflective Noise

The noise impact assessment has also addressed the potential for train noise being reflected from the facade of the proposed building and impacting upon properties across the railway line (Spring Gardens).

The noise impact assessment has demonstrated that noise levels will decrease on the other side of the rail track. The noise impact assessment predicts that the proposed development is unlikely to adversely affect the acoustic environment of Spring Garden properties and is predicted to cause a minor reduction of ~ 2 dBA at north-facing elevations of dwellings within Spring Gardens due to the proposed removal of the existing brick-built industrial buildings. This decrease will be imperceptible to those residents and Environmental Assessment are satisfied that this proposed development will not adversely impact upon the amenity of the Spring Gardens residents.

General Noise & Vibration

The applicants Design and Access statement states that reinforcement of the landscape buffer on the southern boundary will see both the visual and noise impact of the east coast railway minimised. It should be noted that this style of buffer will not have any meaningful impact on noise.

Levels of ground-borne vibration have been assessed and are unlikely to adversely impact upon the future residents. The levels of ground-borne vibration may be affected by any changes in ground conditions e.g. arising from the replacement or consolidation of fill. The proposed design of the buildings, including the foundations, should take account of any changes in the fill between the railway and the proposed foundations to ensure that vibration from the railway complies with the Guidelines within BS 6472-1:2008. This shall be recommended as an informative.

Commercial Noise

The proposed development site is east of the Abbeyhill Industrial Estate which is occupied mainly by retail uses which operate during day time hours. The noise impact assessment has considered noise impacts from these units on the proposed residential development and concluded that there will be no adverse impacts. Noise from the catering services business on the south side of the railway tracks has also been assessed but due to train movements it is not likely to be significant at the proposed development site compared to noise from running trains. The noise from the garage to

the east of the site has been assessed and found that there was little noise breakout from the garage.

No further mitigation measures are required to address the existing commercial noise impacting upon the proposed residential development.

Construction Noise

Construction noise and vibration is normally addressed and regulated under The Control of Pollution Act 1974 which gives City of Edinburgh Council Environmental Health Officers the powers to control noise and vibration pollution from construction sites, using primarily two mechanisms: British Standard 5228 Code of practice for noise and vibration on construction and open sites. Under the above primary legislation the site working hours are regulated which allows noisy construction works to take place only from Monday to Saturday between 07:00 and 19:00.

Any works requiring to be undertaken outside the daytime hours will require permission from the City of Edinburgh Council as specified in the Control of Pollution Act 1974.

Local Air Quality

Additionally, Environmental Assessment has considered the application in terms of the impact it may have on air quality. The application includes the introduction of parking spaces for 73 resident's cars. It has been noted that the site currently has parking provisions for 120 commercial users. The applicant has submitted a supporting air quality impact assessment due to the sites proximity to the London Road Air Quality Management Area. However due to the net reduction in the number of parking spaces Environmental Assessment has no objections to the application and can confirm that the air quality impact assessment did not highlight any major issues.

The Government has recently announced a commitment to low emission vehicles with regards to sustainable transport for the future. The Council is currently reviewing the parking standards and it is anticipated that these will incorporate a provision to install electric vehicle charging points throughout all types of development.

These measures contribute to improving air quality throughout the city. Low emission vehicles and specifically electric vehicles are emission free and therefore do not contribute to traffic related pollution, which is the main source of air pollution in Edinburgh. The development is well placed to encourage good use of electric vehicle charging points. Air Quality on and surrounding London Road is a cause for concern and any measure to decrease traffic related pollution affecting this area is supported. The air quality impact assessment has confirmed that the applicant would be willing to introduce electric vehicle charging points in an attempt to off-set the impacts of increased car trips in and around the local area.

Contaminated Land

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).

Therefore, Environmental Assessment has no objections to this proposed development subject to the following conditions:

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

*(a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
(b) Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.*

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

2. The following noise protection measures to the proposed development, as defined in the Airshed 'Noise and Vibration Assessment' report (Ref AS 0480 Abbey Lane Rev06), dated 29 October 2015:

o Glazing units with a minimum insulation value of 9.1mm-20mm-13.1mm double glazing should be installed for the external glazing on all bedroom on the south facade facing the rail track with trickle vents providing a minimum sound reduction index of 55 dB Dne.

o Glazing units with a minimum insulation value of 10,5mm -16mm-10mm double glazing should be installed for the external glazing on all living room/lounge areas on the south facade facing the rail track with trickle vents providing a minimum sound reduction index of 39 dB Dne.

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

Informative

(a) Electric vehicle 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.

(b) The levels of ground-borne vibration may be affected by any changes in ground conditions e.g. arising from the replacement or consolidation of fill. The proposed design of the buildings, including the foundations, should take account of any changes in the fill between the railway and the proposed foundations to ensure that vibration from the railway complies with the Guidelines within BS 6472-1:2008.

(c) It should be noted the local authority has powers under the Control of Pollution Act (1974) to regulate noise from construction sites.

SEPA

We have no objection to this planning application. Please note the advice provided below.

Advice for the planning authority

1. Foul Drainage

1.1 Foul drainage from the site should be discharged to the public sewerage network. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

2. Surface Water Drainage

2.1 We note the applicant states in their Drainage Strategy Report that as the proposal will connect to the combined sewer network, no SUDS will be utilised within the development (although we note that the Pre Application Consultation document states that SUDS will be utilised). Whilst we do not object to this disposal option it is important that the benefits of removing surface water from the combined sewer are highlighted - this increases capacity in infrastructure for future developments and reduces the risk of pollution events. For these reasons, we expect Scottish Water and the applicant to ensure that all reasonable efforts are made to remove surface water from the combined sewer.

Continued....

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2.2 It is the responsibility of Scottish Water to approve the proposals for surface water treatment prior to connection to their combined sewer assuming they allow the connection. If they do not allow connection to the combined sewer and a connection to the water environment is required, the applicant will be required to revise their drainage strategy and comply with General Binding Rule (GBR) 10 of the Water Environment (Controlled Activities) (Scotland) Regulations.

3. Domestic Waste

3.1 Scottish Planning Policy Paragraph 215 states that "residential, commercial and industrial properties should be designed to provide for waste separation and collection."

In accordance with this policy and PAN 63 Waste Management Planning, space should be designated within the planning application site layout to allow for the separation and collection of waste, consistent with the type of development proposed. Please consult with your local council's waste management team to determine what space requirements are required within the application site layout. Some local authorities have an information sheet setting out space requirements.

Regulatory advice for the applicant

4. Regulatory requirements

4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Transport Planning

I refer to my previous memorandum dated the 10 August 2015 and the subsequent submission of information and revised plans.

As per note (a) below parking provision for the development does not accord with ECLP policy Tra4 (and draft LDP policy Tra2) as there is a significant underprovision in relation to the council's guidance. Both stated policies indicate that lower provision is permitted should the factors a-f listed in the policies be met. It is the case that many of these factors have been addressed by the developer but it is not considered that Tra4b and Tra4d have been met. As such it is considered that this development should be refused as it does not fully accord with ECLP policy Tra4. However should you be minded to recommend the application for approval the following should be included as conditions or informatives to the permission as considered appropriate

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

a. provide each new resident with a Welcome Pack, containing a high quality map of the neighbourhood, showing cycling, walking and public transport routes to key local facilities, and including timetables for local buses and trains. Each welcome pack to include at least a month's bus, tram or rail travel vouchers for each new household and to be agreed in writing with the Head of Planning prior to the first occupation of the development (in accordance with the Council's LTS TravPlan3 policy and ECLP policy Tra4a);

b. contribute the sum of £7,000 towards car club provision (in accordance with ECLP policy Tra4f);

c. contribute the sum of £2,000 for the promotion of an appropriate Traffic Regulation Order (TRO) to introduce waiting and loading restrictions as necessary (yellow lines);

2. 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 adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to

service the site. The applicant is recommended to contact the Council's waste management team to agree details;

3. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;

4. A Certificate of Technical Approval may be required from the City of Edinburgh Council's Structures Department in relation to retaining wall at Comely Green Crescent;

5. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

6. The applicant must ensure that connectivity to adjacent site and Abbey Lane can be achieved should there be an opportunity to deliver this at a future date. An area of adoptable road must be taken up to the boundary of the site;

7. Electric vehicle charging outlets should be considered for this development which includes:

- o Dedicated parking spaces with charging facilities;

- o Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

8. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of Head of Planning. There should be no discharge of water onto the road network;

9. The proposed cycle parking to be to the satisfaction of the Head of Planning regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame. The visitor cycle parking for the development should be located at convenient locations, near the main entrances.

Notes

a) **Car Parking.** The development does not meet the Council's requirements under the current parking standards. For this area (Zone 3a), a minimum of 1 space per property for General Housing (105 spaces) and 0.2 spaces per property for Housing Association (7 spaces) are required, giving a total of 112 spaces. The developer proposes to provide a total 70 spaces (approx. 63%) with 2 car club spaces. This is understood to be in line with the Edinburgh Urban Design Panel's support for a lower level of parking, reflecting the highly accessible nature of the development site.

In addition the applicant has stated that:

"Taking account of the high accessibility characteristics of the site, its proximity to local services and public transport opportunity, it is considered that a mix of zone 2 and 3a standards can apply and therefore Parking is provided at broadly 0.5 spaces per dwelling."

It is understood that additional parking could be provided but at the cost of lower amenity space provision or lower residential numbers but that this is not supported due to loss of open space.

It is noted that there are a number of objections with respect to the effect that the parking underprovision will have on the amenity of existing residents (given that there is there no spare on street spaces in the area).

- b) *Cycle Parking.* The Council's current cycle parking standards require 2 spaces per unit which equates to 278 cycle parking spaces. The applicant is proposing to provide 139 initially. Land will be safeguarded to increase provision if demand requires it; cycle parking utilisation will be monitored as part of the travel plan. Visitor parking will also be provided at road level. This is considered to be acceptable
- c) *Road Materials.* Discussions on suitable road materials will be required and will be approved as part of the Road Construction Consent.
- d) *Refuge & Recycling Collection.* Storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle to the satisfaction of the council's.

Location Plan



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