

# Development Management Sub Committee

Wednesday 9 November 2016

**Application for Planning Permission 16/03471/FUL  
At 21 Mcdonald Place, Edinburgh, EH7 4NX  
Demolition of existing two storey garage and offices, and  
construction of five storey, eleven unit, apartment block,  
with on-site parking, cycle storage and bin storage (as  
amended to entirely remove top floor, limiting to four storey).**

|                      |                  |
|----------------------|------------------|
| <b>Item number</b>   | 7.3              |
| <b>Report number</b> |                  |
| <b>Wards</b>         | A12 - Leith Walk |

## Summary

---

The proposal is acceptable in respect of its scale, form and design and is appropriate to its urban context. The proposal adequately reflects the established spatial character of the surrounding area, will not have a detrimental impact on the amenity of neighbouring residents and does not raise any issues in respect of landscaping, flooding, or parking provision. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

## Links

---

|  |   |
|--|---|
| <a href="#">Policies and guidance for this application</a> | LPC, CITH1, CITD3, CITT4, CITH3, CITH4, CITT5, NSG, NSGD02, |
|--|---|

# Report

**Application for Planning Permission 16/03471/FUL  
At 21 Mcdonald Place, Edinburgh, EH7 4NX  
Demolition of existing two storey garage and offices, and  
construction of five storey, eleven unit, apartment block,  
with on-site parking, cycle storage and bin storage (as  
amended to entirely remove top floor, limiting to four  
storey).**

## Recommendations

---

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

## Background

---

### 2.1 Site description

The site extends to 0.08 hectares and lies on a cul-de-sac off Mcdonald Road.

The site currently holds a used car dealership. This is housed in a portal frame building of industrial nature with a small forecourt area adjacent to the street. To the south lies a large single storey commercial premises operating as a cash & carry. Adjoining the site on its north-west boundary is a two storey Territorial Army drill hall. Mcdonald Place is otherwise characterised by two storey linked houses. The wider area is generally much taller in scale, including both traditional tenements on Mcdonald Road and numerous new-build flats.

### 2.2 Site History

30 June 2004 - planning permission granted for nine flats in a building 3 storeys high (application reference:03/04285/FUL).

1 August 2005 - planning permission granted on appeal for two extra flats within mansard roof (application reference:04/02927/FUL). This established the principle of 11 units on site within a four storey building.

11 May 2006 - planning permission approved to vary design of the then eleven approved units (application reference:05/04227/FUL).

28 June 2016 - application for 14 units within a five storey block withdrawn (application reference:16/01329/FUL).

## **Main report**

---

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

The application proposes a four storey block of flats containing 11 units. Eight units are two-bedroom and three are three-bedroom.

A pend on the western corner of the block leads through to a small car park serving five vehicles. Two City Car Club spaces are proposed along the frontage in a newly created layby, within the current pavement. An enclosed bike store is provided at ground floor level accessed from the pend.

The building is constructed in buff facing brick with feature charcoal grey cladding panels and charcoal grey windows. The building adopts an S-plan, with a cubic form within its front section. This cubic form is emphasised by use of a flat roof.

A communal garden of around 250 square metres is created to the rear of the proposal.

#### **Scheme 1**

As originally submitted the proposal was a storey higher but all elements at the fourth floor (apart from a 1.5 metre lift over-run in the centre) are now removed. Unit numbers were also 11 in total, but with upper parts of two very large duplex units occupying the upper area.

#### Supporting Statement

A Design and Planning Statement was submitted with the application. This is 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) housing use is acceptable in principle;

- b) the scale, form and design are appropriate to this site;
- c) impact upon neighbouring amenity is acceptable;
- d) parking and road safety issues are considered;
- e) the amenity of the proposed units will be acceptable;
- f) other impacts are addressed;
- g) public comments are addressed; and
- h) equality and human rights are addressed.

a) Residential Use

The site lies within the Urban Area as shown in the Edinburgh City Local Plan (ECLP). Policy Hou1- Housing Development states that housing development will be permitted on suitable sites within the urban area, provided that proposals are compatible with other policies within the Plan.

The site lies within an area of predominantly housing use, and residential use is acceptable in principle. The existing building is of no intrinsic architectural interest and may be demolished without any need for consent.

The principle of developing 11 units within a four storey building was established within the previous granting of planning permission, and remains acceptable. The scale of development does not require the provision of affordable housing.

The density of the proposal is commensurate with other developments within the area.

b) Scale, Form and Design

ECLP policy Des3 - Development Design, requires that developments be appropriate to their context in terms of scale form and design.

The scale of the form (as amended) is now subservient to the larger scale buildings on Mcdonald Road. The scale is appropriate to the site and wider urban grain. The building adopts a stepped form, linking the existing footprints of the houses on Mcdonald Place to the building line of the adjacent Territorial Army drill hall. This S-form plan is considered an appropriate form in terms of the urban context.

The existing streetscape and wider urban area contain a number of different styles. The proposal adopts a simple, modern style. The design has been simplified both in relation to the original submission and in relation to the previous permission and is considered appropriate within the wider streetscape. Flat-roofs are now common within new developments in this area and form part of the current character.

The area uses a variety of materials and the proposed palette of materials is acceptable.

The scale of development is considered to be of an appropriate density for the area and is not of a scale which requires provision of affordable housing. The mix of unit sizes is acceptable.

#### c) Impact on Neighbours

Criterion c) of policy Des3- Development Design, requires that the proposal does not adversely impact upon privacy or daylight to neighbouring properties.

Objections in relation to loss of daylight were pertinent in relation to the original five-storey submission, but the removal of the upper floor in the amended scheme addresses this issue.

The existing shed overshadows an area of 36 square metres in relation to the closest house (23 McDonald Place), this impact being wholly on the car run-in area leading to the existing garage. The proposal overshadows a further 2 square metres at the very beginning of the run-in. Overall daylight levels are similar to those of the existing commercial premises. As amended, impact upon daylight is now acceptable.

Windows on the south-east elevation of the proposal stand 19.5 metres distant from the windows on existing houses to the south-east (29 to 35 McDonald Place). Rear windows range from 9.5 metres to 24 metres from the rear boundary and are a minimum of 21 metres from the existing flats on McDonald Road. These distances both meet policy requirements.

Impact upon neighbouring amenity is acceptable.

#### d) Parking and Road Safety

Council policy Tra4 read in conjunction with the Council's Parking Standards lay out standards for parking in housing development. This would usually require 11 parking spaces to serve 11 units. However, overall objectives seek to minimise car generation within the city centre and encourage the use of car-free or car-reduced solutions. A car-reduced scheme is proposed and is acceptable in principle, using City Car Club spaces to address the Council's objectives. Whilst 11 spaces could be provided on-site, the reduction in provision, to five on-site spaces, allows for a far better provision of open space to the rear. Two City Car Club spaces are proposed to the front of the site.

The lay-by containing the proposed City Car Club spaces lies within the area currently used as public footpath. A new 1.8 metre wide public pavement is created within the site, immediately behind and adjacent to these spaces. The re-routing of the public pavement is acceptable

Car generation will be low and will have no material impact upon road safety, nor upon vehicle movements at the junction with McDonald Road. The Roads Authority has no objection to the number of car parking spaces proposed.

A secure cycle store is provided close to the rear access door.

The roads authority has no objection subject to a contribution towards both the tram and provision of City Car Club spaces, plus to cover the cost of necessary Traffic Regulation Orders, to adjust existing restrictions and to confirm the relocation of the public footpath. A legal agreement is therefore applied in order to achieve these.

The overall parking provision and impact upon road safety is acceptable.

#### e) Amenity of Proposed Units

ECLP policy Des3 - Development Design, criterion c) also requires the amenity of proposed units to meet acceptable standards in terms of privacy and daylight.

All units are dual aspect and will have adequate daylight. Sizes for two-bedroom units vary from 66 to 75 square metres and all three-bedroom units are 138 square metres. All units meet Edinburgh Design Guidance in relation to size.

ECLP policy Hou3 - Private Open Space, sets out standards for new housing development. All units will have access to a shared garden area to the rear. This is proportionate to the size of development, totalling around 250 square metres (23 square metres per unit) and representing around 30% of the overall site area.

The proposal will provide an acceptable level of amenity for its occupiers.

#### f) Other Issues

ECLP policy Env17 - Flood Protection, considers impact upon potential flood risk.

The proposal does not lie in an area of known flood risk. A Flood Risk Assessment was not required. Development will greatly reduce the area of hard surfacing on site, and the introduction of a soft landscaped garden will increase rainfall attenuation within the site, to the wider benefit of the wider area in terms of reducing flood risk.

The development does not attract a requirement for educational contributions.

#### g) Public Comments

Fifty-eight representations were received, all in objection or partial objection.

#### **Material Comments**

- overdevelopment - addressed in section 3.3 a) of the Assessment.
- lack of affordable housing - addressed in section 3.3 a) of the Assessment.
- proposal is too high - addressed in section 3.3 b) of the Assessment.
- inappropriate design - addressed in section 3.3 b) of the Assessment.
- loss of daylight and privacy - addressed in section 3.3 c) of the Assessment.
- insufficient parking/impact on parking and road safety - addressed in section 3.3 d) of the Assessment.
- lack of cycle storage - addressed in section 3.3 d) of the Assessment.
- loss of public footpath - addressed in section 3.3 d) of the Assessment.
- inadequate open space - addressed in section 3.3 e) of the Assessment.

## **Non-Material Comments**

- loss of view - planning policies do not protect private views.
- the proposal does not create a building of "landmark" status - this is not a planning requirement.

## **Community Council**

No comments received.

### h) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

### Conclusion

The proposal is acceptable in respect of its scale, form and design and is appropriate to its urban context. The proposal adequately reflects the established spatial character of the surrounding area, will not have a detrimental impact on the amenity of neighbouring residents and does not raise any issues in respect of landscaping, flooding, or parking provision. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

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

#### **Conditions:-**

1. 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 for the Head of Planning and Transport to consider these matters in detail.

#### **Informatives**

It should be noted that:

1. Prior to the issue of consent the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution of: £13,400 towards the tram project; £12,500 towards the City Car Club; and £4,000 towards necessary Traffic Regulation Orders.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. 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.

## **Financial impact**

---

### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

---

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

## **Equalities impact**

---

### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

---

### **7.1 The sustainability impact has been assessed as follows:**

This application 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**

Fifty-eight objections were received in relation to the application. A full assessment of representations can be found in section 3.3 f) of the Assessment.

## **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 lies within the Urban Area as shown in the Edinburgh City Local Plan.

### **Date registered**

12 July 2016

### **Drawing numbers/Scheme**

1,2,3a-13a,15,16a-17a,

Scheme 2

## **John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer  
E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

## **Links - Policies**

---

### **Relevant Policies:**

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

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

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

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

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

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

### **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 16/03471/FUL  
At 21 Mcdonald Place, Edinburgh, EH7 4NX  
Demolition of existing two storey garage and offices, and  
construction of five storey, eleven unit, apartment block,  
with on-site parking, cycle storage and bin storage (as  
amended to entirely remove top floor, limiting to four  
storey).**

## Consultations

---

### Children and Families

The proposed development of 11 flats is not expected to generate enough pupils to require a contribution towards additional school accommodation.

No contribution towards education infrastructure is required.

### Roads Authority

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

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to:
  - a. Contribute the sum of £13,400 (based on 11 residential units in Zone 3) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report;
  - b. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
  - c. Contribute the sum of £2,000 to progress a suitable order to amend the controlled parking order as necessary. The layout and details to be agreed prior to commencement of work on-street;
  - d. Contribute the sum £12,500 towards the provision of car club vehicles in the area in support of the Council's LTS Cars1 policy and to address the short-fall in parking provision (see Note below);
2. Road construction consent will be required prior to construction of the new footway within the site. The extent of adoptable roads, including footways, to be agreed. The applicant should note that may include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification as necessary. Road opening permits will be required prior to work commencing on street. The proposed footway and carriageway works to be completed prior to first occupation;
3. In accordance with current Council parking standards, 1No. space must be provided in the off-street parking area for disabled persons;

4. In accordance with the Council's LTS Travplan3 policy, the applicant should submit a draft Travel Plan prior to first occupation of the premises and a final Travel Plan within 12 months of that date. The scope to be agreed with the Head of Planning and Transport. The Travel Plan should consider provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a monitor within the property capable of displaying real time public transport information;
5. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build). The applicant should note that any permits will be for Zone N1 and will not be for the mews parking in McDonald Street;
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. Any off-street parking space should comply with the Council's Guidance for Householders (see [http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\\_for\\_householders](http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders)) including:
  - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
  - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth). The applicant should note that the proposed white lining is not acceptable;
  - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road. The proposed chippings shown on Dwg.GA 90(001) are not acceptable within 2m of the road;
  - d. Any gate or doors must open inwards onto the property;
  - e. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
  - f. The works to form a footway crossing 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](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)
8. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport;
9. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

**Note:**

Current Council parking standards require a minimum of 1 space per unit for residential development in this area. The development proposes to provide 5 spaces off-street along with 2 on-street car club spaces. This is considered acceptable.

It is noted that the existing forecourt area is currently shown as adopted verge on Council records. This is considered to be an error and Council records are to be amended.

## Location Plan

---



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

**END**