

# Development Management Sub Committee

Wednesday 22 February 2017

## Application for Planning Permission 16/04263/FUL At 5 Warriston Road, Edinburgh, EH3 5LQ Vary planning permission with revised building design

Item number	4.9
Report number	
Wards	A12 - Leith Walk

### Summary

---

The proposal complies with the development plan and Council's non-statutory guidelines. The block of flats is acceptable in terms of scale, design and materials in this location and has an acceptable impact on the setting of Inverleith Conservation Area which is located to the south and west. The impact on neighbouring amenity is satisfactory and an adequate level of amenity will be provided for future occupiers. There are no transport issues. There are no equalities or human rights issues. There are no other material considerations to outweigh this conclusion.

### Links

---

<a href="#">Policies and guidance for this application</a>	CRPINV, LDPP, LHOU01, LDES04, LEN06, LHOU04, NSG, NSGD02, OTH,
--	--

# Report

## **Application for Planning Permission 16/04263/FUL At 5 Warriston Road, Edinburgh, EH3 5LQ Vary planning permission with revised building design**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The site lies on the western side of Warriston Road on the southern bank of the Water of Leith. The site is occupied by two linked buildings comprising a 1980's building built to the rear of an older single storey building with a pantiled roof of traditional style, and used as a photographic studio. The building is surrounded by flatted development of modern design on both sides and to the rear.

The site is adjacent to the boundary of the Inverleith conservation area.

This application site is located within the Inverleith Conservation Area.

#### **2.2 Site History**

24 January 1996 - planning permission was granted for alterations & change of use from photographic laboratory to office (application number 95/02808/FUL).

9 November 2015 - planning permission was granted for the demolition of existing building on site and erection of 3 storey block of flats with subterranean parking deck for 10 cars, 10 cycles and refuse storage with 10 bins (application number 14/02315/FUL).

### **Main report**

---

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

The application relates to a previous planning permission which was granted to demolish the existing buildings on site and erect a three storey block of flats (application number 14/02315/FUL). This application is to vary the previous planning permission with a revised building design.

The new building would be four storeys in height with a hipped styled roof and provide 10 residential units. The existing cottage walls would be retained at ground floor level.

On the ground floor, 10 parking spaces, 10 cycle spaces and refuse store with space for 10 bins are proposed.

On the first floor, four flats are proposed, two with two bedrooms and a balcony facing onto the Water of Leith, one with one bedroom and one flat with two bedrooms with a balcony and steps leading down to a garden to the rear of the building.

A similar arrangement is proposed on the second floor with flats having terrace features to the front and rear.

On the top floor, two penthouse flats with three bedrooms are proposed, each with a roof terrace.

A lift gives access to all floors.

The new building would occupy the centre of the site and would be surrounded by new planting with a lawn and patio area to the rear.

Vehicular access to the site is from Warriston Road leading to the parking area. The pedestrian entrance to the flats is from Boat Green.

The proposed materials are the existing cottage stone at ground floor level with matching stone base and render finish at upper floors. The roof would be finished in grey concrete tiles and the windows would be timber /anodized aluminium.

### **Supporting documents**

Flood Risk Assessment and Surface Water Management Report.

This document 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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposal has an acceptable setting on the conservation area;
- c) the proposed scale, design and materials are acceptable;
- d) the proposal is detrimental to the amenity of neighbours;
- e) the proposal provided sufficient amenity for the occupiers of the development;
- f) the proposal affects road safety;
- g) the flooding implications can be addressed satisfactorily;
- h) the archaeological issues can be addressed satisfactorily;
- i) the proposal has any equalities or human rights impact; and
- j) representations raised issued to be addressed.

#### a) Principle of development

The site lies within the urban area as defined in the Edinburgh Local Development Plan (LDP) where the principle of residential is acceptable subject to compliance with other policies of the development plan.

The Committee granted planning permission for the demolition of the existing building and the erection of a three storey block of flats (application number 14/02315/FUL) on 9 November 2015. Whilst every planning application is to be assessed on its own merits the previous consent is still valid and is a material consideration in the assessment of this proposal.

LDP Policy Hou 4 Density seeks an appropriate density of development having regard to its characteristics and those of the surrounding area. The proposal occupies the majority of the site and the proposed building would be surrounded by planting. This proposal is in keeping with the density of the modern flats to the north, south and east. It is located close to the city centre where there are higher densities and a good level of public transport. The proposal is in accordance with this policy.

The principle of development is acceptable in this location.

#### b) Setting of the Conservation Area

The site does not lie within a conservation area but Inverleith Conservation Area lies immediately to the south and west lies

The Inverleith Conservation Area Character Appraisal emphasises *the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.*

In terms of LDP Policy Env 6 Conservation Area - Development, the proposed building continues the building line of the existing modern developments to the north and south. The development fits into and complements the existing massing characteristics of the surrounding building by being no greater in height and retains the variety of architectural style which is a characteristic of the conservation area. The proposed materials do not detract from the surrounding buildings. The existing building is an interesting historic remnant and makes a contribution to the setting of the conservation area in this regard. It is not listed, however, and the proposed housing development would preserve the setting of the conservation area.

The proposal will retain the setting of the conservation area.

#### c) Scale, design and materials

The new building is of modern appearance and will create a façade onto Warriston Road of four storeys plus accommodation in the roofspace. The height of the proposal is no higher than the existing modern developments of four storeys to the north, south and east. The proposed roof is hipped in keeping with the neighbouring roof styles. The development fits into and complements the massing characteristics of the surrounding buildings in the area as it fills the site but surrounded by communal planting. The proposed elevations are broken up by different building materials of stone, render and glass giving an overall vertical emphasis.

The proposed scale, design and materials are acceptable

#### d) Residential amenity

The development is surrounded by flatted properties where there is currently overlooking. There are windows proposed on all elevations. At its closest point the new windows lie four metres from the boundary but there is a window to window distance of over 18 metres which is an acceptable distance as defined in the Edinburgh Design Guidance.

Due to the positioning of the new build, there will be overshadowing to the north and east. More than half of the remaining garden still receives sunlight and the front garden ground of the neighbouring house is still capable of receiving potential sunlight. The level of overshadowing is not significant enough to justify the refusal of planning permission.

The proposal complies with the 25 degree method for Edinburgh Design Guidance in respect of the daylighting to the development to the north.

The proposal is satisfactory in terms of residential amenity.

#### e) Amenity of Future Occupants

The building occupies 58% of the site and planting is provided facing onto Boat Green. Balconies and terrace features are provided in addition to a private patio and garden to the rear. This complies with the requirements of Policy Hou 3 of the Edinburgh Local Development Plan. It is recommended that a condition is attached to ensure that the details of the landscaping are submitted prior to construction.

All the proposed flats are dual aspect to ensure a good standard of overall amenity for new development. All the residential units meet or exceed the sizes for internal floor areas as set out in the Edinburgh Design Guidance.

An acceptable level of amenity will be provided for future occupiers.

f) Traffic issues

Car parking and cycle parking is provided at ground floor level to an acceptable standard.

The proposal is satisfactory in terms of parking and traffic implications.

g) Flooding

A flood risk assessment and surface water management plan have been received from the developer which confirm that the development is not at flood risk, has an adequate drainage strategy and also that the surface run-off does not impact others in the vicinity.

The development has been designed with the car parking facilities on the ground floor with the residential development above.

The flooding details have not changed from previous approval.

The flooding implications have been addressed satisfactorily.

h) Archaeology

A single storey stone cottage constructed between c.1750 and 1804 occupies the site but it has not been recognised as being worthy of being listed by Historic Environment Scotland. The proposal retains the walls of the cottage for the ground floor finish of the building.

The Archaeologist has confirmed that there is potential for some remains of archaeological interest on the site. It is therefore recommended that a condition be attached relating to a programme of archaeological works for the site.

The archaeological issues can be addressed satisfactorily.

i) Equalities or human rights impacts

This application was assessed in terms of equalities and human rights. No impact was identified. An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

j) Public comments

**Material representations**

- design, scale and form - this is addressed in sections 3.3b) and 3.3c).

- Overdevelopment - this is addressed in sections 3.3a) and 3.3e).
- loss of privacy, overshadowing and loss of sunlight - this is addressed in section 3.3d.
- loss of existing building - this is addressed in section 3.3h).
- increased traffic and parking - this is assessed in section 3.3f).
- size of proposed units are below the Council's standards - this is assessed in section 3.3e).

### **Non-material representations**

- loss of view - not a relevant planning consideration.
- noise and disturbance through construction - not a relevant planning consideration.

### **Community Council**

No comments were received.

### Conclusion

The proposal complies with the development plan and Council's non-statutory guidelines. The block of flats is acceptable in terms of scale, design and materials in this location and has an acceptable impact on the setting of Inverleith Conservation Area which is located to the south and west. The impact on neighbouring amenity is satisfactory and an adequate level of amenity will be provided for future occupiers. There are no transport issues. There are no equalities or human rights issues. There are no other material considerations to outweigh this conclusion.

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

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

#### **Conditions:-**

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.

2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
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. Cycle parking is to be Sheffield type or similar, i.e. the stand must support the frame of the cycle;
5. 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 E - Sub divided, or converted);
6. 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);
  - 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;
  - 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).

## **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 is not subject to 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**

The application was advertised on and 24 representations were received, 23 objecting and one supporting the proposals. These included comments from Water of Leith Conservation Trust and Cockburn Association. A full assessment of the representations can be found in the assessment section in the report.

## **Background reading/external references**

---

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

## **Statutory Development**

### **Plan Provision**

The site lies within the urban area of the adopted Edinburgh Local Development Plan where it is within the Inverleith Conservation Area.

### **Date registered**

1 September 2016

### **Drawing numbers/Scheme**

1-6,

Scheme 1

## **David R. Leslie**

Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer  
E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

## **Links - Policies**

---

### **Relevant Policies:**

**The Inverleith Conservation Area Character Appraisal** emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

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

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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

### **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.

### **Other Relevant policy guidance**

# Appendix 1

## **Application for Planning Permission 16/04263/FUL At 5 Warriston Road, Edinburgh, EH3 5LQ Vary planning permission with revised building design**

### **Consultations**

---

#### **Roads Authority Issues**

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

1. *Cycle parking is to be Sheffield type or similar, i.e. the stand must support the frame of the cycle;*
2. *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 E - Sub divided, or converted);*
3. *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);*
  - 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;*
  - 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)*

*Note:*

*Current Council parking standards for this area would require a minimum of 1 space per residential unit. The application proposes 10 spaces for the 10 units.*

#### **Archaeology**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application to vary planning permission with revised building design.*

*The site occurs on the southern bank of the water of Leith on the eastern edge of Canonmills, which was established as a centre for Holyrood Abbey's mills in the 12th century. The site is currently occupied by two linked buildings comprising a 1980's building built onto the rear of an older, single-storey cottage. The cottage appears on Ainslie's 1804 map of Edinburgh, though it probably dates to the second half of the 18th century. By the 1st Edition OS map the site has been subsumed by the creation of a railway station and associated goods yard, though the cottage clearly survives however it is not clear from the map if it formed part of this station.*

*Accordingly this site has been identified as occurring within an area of potential national archaeological significance. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*As discussed in response to the earlier 2014 application, the front of the site is occupied by single storey stone cottage constructed between c.1750 and 1804. Although undesignated this building is a rare survival within urban central Edinburgh of an 18th century rural cottage. Such building types would have been once common but now are almost lost within central Edinburgh, as a result of modern and historic 19th century growth of the city. Its local significance is strengthened further by it being one of the oldest surviving buildings within the local area and significantly which represents its former rural past.*

*Accordingly in my opinion this cottage must be regarded as having local and perhaps regional archaeological /historic significance and one that adds significantly to the local historic character of Canonmills and the Water of Leith. Accordingly the loss of this historic cottage as a result of its demolition was is regarded in 2014 as having a significant adverse archaeological impact and one which is contra to CEC Planning Policy ENV8(b). It is therefore disappointing that the revised scheme still seeks to demolish this locally significant historic building.*

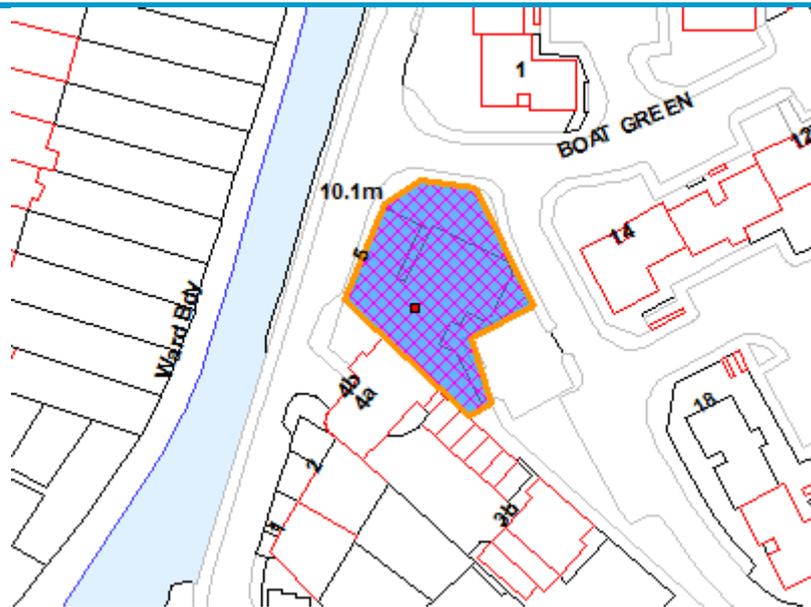
*If consent is granted for this revised scheme, it is essential that an historic building survey (level 3: internal and external elevations and plans, photographic and written survey and analysis) is undertaken prior to and during demolition. This will be linked with an appropriate programme of archaeological excavation undertaken prior to development to fully excavate, record and analysis any surviving archaeological buried remains. Should consent be granted, it is recommended that the following condition be attached to ensure that this programme of archaeological works is undertaken:*

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

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

## Location Plan

---



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