

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 18/00454/FUL
At 8A Milton Road West, Edinburgh, EH15 1LF
Re-development of site to create a mixed use development
comprising of a smaller food retail unit and 11no new build
flats and installation of a new shopfront.**

Item number	4.5
Report number	
Wards	B17 - Portobello/Craigmillar

Summary

The proposal complies with the development plan and non-statutory guidance. The proposal is acceptable in this location, is of an appropriate scale, form and design and will have no detrimental impact on residential amenity, traffic and road safety or any impacts on flooding. There are no other considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES05, LDES06, LDES07, LDES13, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LRET05, LTRA02, LTRA03, LTRA04, NSG, NSGD02,
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Report

Application for Planning Permission 18/00454/FUL At 8A Milton Road West, Edinburgh, EH15 1LF Re-development of site to create a mixed use development comprising of a smaller food retail unit and 11no new build flats and installation of a new shopfront.

Recommendations

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

Background

2.1 Site description

The application site is situated on the north east corner of Milton Road West and Durham Road which is within a 'local centre' that includes a parade of small single storey retail and commercial uses. The overall area of the site is 2,057 sq m.

The application site relates to an existing vacant ground floor retail unit that also has a basement. It has most recently been used as a furniture shop and display room. The unit has windows that front both Milton Road West and Durham Road and the entrance is on the corner.

The trading area of the existing retail unit, on the ground floor, is 1,215 sq m in area.

The area surrounding the local centre is overwhelming residential and is characterised by low rise and low density housing.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Scheme 3

This application proposes to demolish the rear of the existing retail unit to construct 11 new flats. The section of the shop that fronts Milton Road West will be retained in retail use but will have a new shopfront.

The proposed trading area of the retail unit is 291 sq m.

The residential element will occupy a site of 1,354 sq m. A three storey building (comprising of two floors and an attic) will be constructed. The building will be brick with a pitched concrete tiled roof and upvc glazing and doors. The footprint of the new build will be smaller than the area of the building demolished and of approximately the same height.

Parking for 11 vehicles will be to the north of the building. Wheelie bin storage will be at the entry to the car park and cycle storage will be to the rear, or east, of the site. There will be shared garden area to the rear of the building as well as some areas that are private to ground floor flats.

The unit breakdown is as follows:

Eight no. two bedroom flats of between 71.8 sq m and 89.2 sq m.

Three no. three bedroom flats of between 99.6 sq m and 110 sq m.

Schemes 1 and 2

The previous schemes proposed alternative arrangements for cycle parking and the location of bin stores.

As part of this application, the following documents have been submitted:

- Planning Statement
- Transport Statement
- ARC Desktop Study Report
- Flooding Report
- Daylighting and Overshadowing Study

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 development is acceptable in this location;

- b) the proposals are of an appropriate scale, form, and design;
- c) the proposals will result in an unreasonable level of neighbouring residential amenity;
- d) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- e) the proposals will have any traffic or road safety issues;
- f) the proposals will have detrimental impact on flooding issues;
- g) there are any other material considerations;
- h) any impacts of equalities and human rights have been addressed; and
- i) any comments raised have been addressed.

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

The site is located within a 'local centre'. As such Policy Ret 5 of the Local Development Plan (LDP) applies. This presumes against proposals for a non-retail development in a local centre which would have a detrimental impact on the function of the centre.

The proposals would retain the retail function on the Milton Road West frontage which is within the parade of shops in the local centre. It would lose the retail element on the majority of the Durham Road elevation. This is currently occupied by the showroom of the former furniture shop, has high level windows and no active frontage. The inclusion of this part of the site within the local centre is due to it being part of the larger retail unit as there are no other retail units on Durham Road. It is therefore considered acceptable for an alternative use to occupy this part of the local centre. A residential use on this part of the site will not compromise the vitality of the local centre and therefore the proposals comply with Ret 5.

As an appropriately sized retail unit will be retained on the corner of Milton Road West and Durham Road, vitality of the local centre will be retained. Although objectors have expressed concerns about the potential tenant of this unit, there is no proposed change of use in this location and planning has no remit to control the business operator of an established retail use.

The surrounding area is dominated by residential uses and the proposed flats will be compatible with the area. The proposed complies with Hou 1 as it complies with Ret 5.

The principle of the development is acceptable in this location subject to compliance with other points addressed below.

b) Scale, Form and Design

Policies Des 1 of the LDP states that new development should contribute towards a sense of place and draw from the positive aspects of the surrounding area.

The proposed height of the new building will be no greater than the existing structure and only slightly higher than the adjacent residential units on Durham Road. It will occupy a smaller footprint than the existing part of the building to be demolished. The scale and massing of the proposed new build will be appropriate.

Although some objectors feel that the prevailing urban grain is of detached bungalows, there is a greater mix in the area, and the form proposed new build will not be discordant with the neighbouring properties to the north. The design of the building is understated and will not be out of place with the character of the area.

The proposed brick will be a quality material in an area that is dominated by rendered buildings. Subject to the submission of specific samples, the materials will be appropriate.

The site has good public transport accessibility and the density of development proposed will comply with Hou 4. There will be a mix of unit sizes as required as Hou 2.

The part of the building that is to be demolished is of poor quality, and the replacement building will be an improvement, and will be more compatible with the area.

The replacement shop front to the retail unit is acceptable.

The scale, form and design of the proposals are acceptable.

c) Neighbouring Amenity

Policy Des 5 relates to the impact on amenity of a proposed development.

Information has been submitted by the applicant that indicates that the proposed building will not have an undue impact on the privacy, or daylighting or overshadowing of neighbouring properties.

There will be no adverse impact on residential amenity.

d) Amenity of Future Occupiers

Policy Des 5 and the Edinburgh Design Guidance seek to address the criteria of an acceptable level of amenity for future occupiers of the development.

The proposals will provide a mix of units sizes which concurs with advice in the guidance. In terms of floor areas, the flats exceed its minimum recommended floor areas. The shared garden area provided is 320 sq m or 23% of the site area. It will provide approximately 29 sq m of garden area per flat, which exceeds the recommended 10 sq m per flat required by Hou 3. All flats but one are dual aspect.

The proposed flats will provide a satisfactory level of amenity for the future occupiers of the development.

e) Traffic or Road Safety Issues

A Transport Statement has been submitted in support of the drawings. One vehicular parking space for each flat has been provided and this level of provision has been justified by a study of the level of traffic and on street parking in the area. Secure cycle parking has been provided off the car park.

Cycle parking is provided for the retail unit, and, as the size of the retail unit is decreasing, no additional vehicular parking is provided for the retail unit.

A number of objectors have raised issues of parking and road safety with respect to the expected tenant of the retail unit. However the retail use is established in this location and the Planning system has no control over the occupier or any increased custom and parking requirements that may, or may not, result from them taking on the lease.

The works Authority raises no objections to the current amended scheme and there will be no detrimental impact on traffic or road safety.

f) Flooding Issues

A Flood Risk Assessment and Surface Water Management Plan have been submitted and there will be no additional risk of flooding as a result of this development.

g) Other Material Considerations

Due to the former use of the site, there is potential for the land to be contaminated. A standard condition is to be added to address any such issues.

h) Equalities and Human Rights Issues

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

i) Public Comments

Material points of objection

Material points of objection relate to:

- Design, scale and form are inappropriate to the area - this is assessed in section 3.3.b)
- Visual impact - this is assessed in section 3.3.b)
- Detrimental impact on residential amenity - this is assessed in section 3.3.b)
- Loss of daylight and privacy and overshadowing - this is assessed in section 3.3.c)
- Impact on parking in the area - this is assessed in section 3.3.e)
- Lack of cycle parking - this has been addressed in Schemes 2 & 3

Material points of support

Material points of support relate to:

- The provision of more housing - this is addressed in section 3.3.a)
- Design - this is addressed in section 3.3.b)
- Improvement to the area - this is addressed in section 3.3.b)

Non-material points of objection

Non material points of objection relate to:

- Impact on residential amenity from any future occupier of the retail use. As this is an established use, this is not material to the assessment of the application.
- Impact on parking and road safety from any future occupier of the retail use. As this is an established use, this is not material to the assessment of the application.

Non-material points of support

Non material points of support relate to:

- Support for the new occupier of the retail unit. As this is an established use, this is not material to the assessment of the application

Comments by the Community Council

No comments have been lodged by the Community Council.

CONCLUSIONS

In conclusion, the proposal complies with the development plan and non-statutory guidance. The proposal is acceptable in this location, is of an appropriate scale, form and design and will have no detrimental impact on residential amenity, traffic and road safety or any impacts on flooding. There are no other considerations which outweigh this conclusion and approval is recommended.

The recommendation is subject to conditions on landscaping, materials and contaminated land.

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

3.4 Conditions/reasons/informatives

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.
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. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or

that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

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

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
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 the site is suitable for redevelopment, given the nature of previous uses/processes on 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. 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.
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.

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:

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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of this application on 15 February 2018. In all there have been 48 letters of objection from residential and commercial neighbours and members of the public, 42 of which make material comments, and six of which are non-material. A petition of 87 names objects to the proposals.

Also received were 48 letters of support from neighbours and members of the public, 27 of which are material and 21 of which are non-material.

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

Background reading / external references

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

Statutory Development

Plan Provision

The application site is within a local centre, as defined by the Edinburgh Local Development Plan.

Date registered

1 February 2018

Drawing numbers/Scheme

1-4, 5b, 6a, 7a, 8-10, 11a, 12a, 13-15,

Scheme 3

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 13 (Shopfronts) sets criteria for assessing shopfront alterations and advertising proposals.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant Non-Statutory Guidelines

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

Appendix 1

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Consultations

Transport

Second Response (dated 11 May, 2018)

Further to the memorandum of 12 March 2018, in view of the revised plans and submitted documents, there are no objections to the proposed application.

First Response (dated 12 March, 2018)

Whilst there are no objections to the application in principle, a number of issues require to be address prior to a formal response being issued:

- 1. The proposed 11No. car parking spaces require reasoned justification, as set out in the Edinburgh Edinburgh Design Guidance, October 2017 page 58;*
- 2. The Planning Statement submitted with the application states that "storage areas for cycle parking will be provided within each residential unit". This does not appear to be translated onto the unit drawings, i.e. it is unclear what level or type of provision is proposed. In addition, provision within residential units on upper floors is not acceptable;*
- 3. It is unclear whether cycle parking is proposed for the retail unit. Provision for staff and visitors is required;*
- 4. The existing vehicle entrance on Durham Road will require amendment to create a footway with vehicular crossing.*

The application should therefore be continued.

Environmental Services

No response has been received.

Children and Families

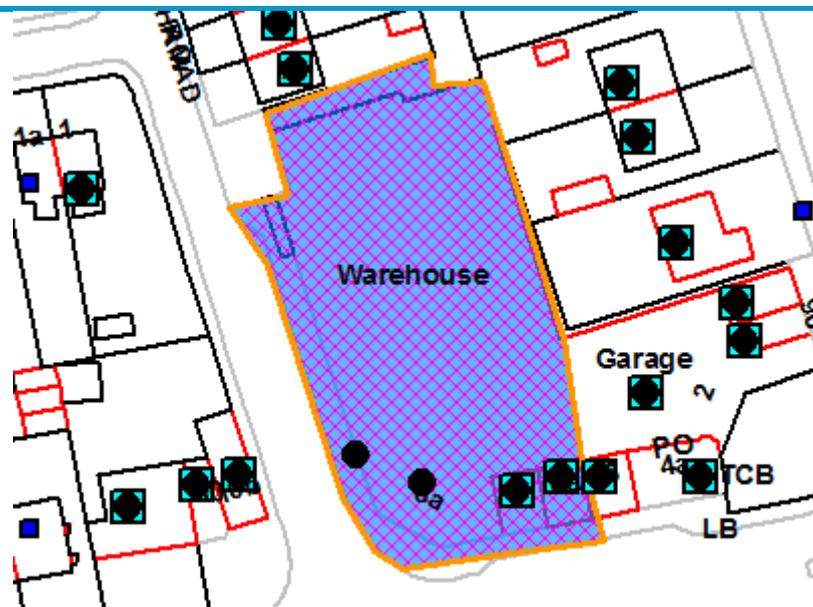
The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of 11 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Flooding

I accept the certificate submitted by Goodsons and can confirm that Flood Prevention are happy for this application to be determined with no further comment from our department.

Location Plan



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