

Development Management Sub Committee

Wednesday 24 April 2019

Application for Planning Permission 19/00009/FUL At 79A Dickson Street, Edinburgh, EH6 8QH Proposed five storey residential development comprising 7 flats (as amended).

Item number	4.6
Report number	
Wards	B12 - Leith Walk

Summary

Housing use is acceptable in principle, and the proposed density is acceptable. The proposal creates a satisfactory infill in terms of form and design. Impact on the privacy and daylight of neighbouring properties falls within acceptable parameters in terms of council guidelines. The absence of car parking is acceptable in this location. The amended scheme has addressed on site cycle storage. Minor non-compliance in relation to open space is acceptable in the context of this urban infill and proximity to a park. Minor non-compliance in relation to building line is acceptable in the context of the added visual interest gained by this element. No other considerations outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LHOU01, LHOU02, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02,
--	--

Report

Application for Planning Permission 19/00009/FUL At 79A Dickson Street, Edinburgh, EH6 8QH Proposed five storey residential development comprising 7 flats (as amended).

Recommendations

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

Background

2.1 Site description

The site lies in the side streets between Leith Walk and Easter Road. It is a 6 metre wide gap between gables, currently holding a single storey building with a hipped roof which ran as a nursery for around twenty years. The site is relatively deep and the total site area is 285 square metres. The existing building is faced (on its street elevation) in artificial stone and has a concrete tile roof.

The flanking buildings are, to the south, a three storey block of rendered ex-Council properties, and to the north, and a traditional four storey tenement in red sandstone. Modern brick and render flats stand to the immediate north of the tenement.

The southern section of Dickson Street contains a pocket park and playground. Dalmeny Street (50 metres to the south) is a bus route.

2.2 Site History

24 September 1996 - change of use approved from council store/depot to a private house (application reference:96/01989/FUL).

23 July 1997 - change of use approved from council store/depot to private nursery (application reference:97/00899/FUL).

25 May 2000 - consent approved to erect six flats over the existing nursery building (application reference:00/00919/FUL).

29 January 2002 - application approved to increase number of children permitted at the nursery to 29 children (application reference:01/03100/FUL).

5 March 2003 - consent approved for two additional flats in lieu of ground floor nursery giving eight flats in total (application reference:03/00224/FUL).

It is noted that whilst the final consent has lapsed, the main issues establishing its envelope (daylight regulations in particular) are unchanged. The current application largely seeks to renew this previous planning permission, reducing numbers to seven and improving the proposed frontage.

Main report

3.1 Description Of The Proposal

The application seeks to redevelop a site currently containing a single storey former nursery lying between blocks of flats.

The proposal is for a five storey, flat-roofed block, filling the gap between the flanking flats. It is brick-built with feature dark grey cladding panels, all in a contemporary design. A projecting bay on the frontage is angled to give visual interest. The narrow link section to the block to the south is only three storeys high.

The property will contain seven flats: two studio flats (36 + 39 square metres); one one-bedroom flats (58 square metres); three standard two-bedroom flats (66 + 73 + 81 square metres); and a two bedroom penthouse (92 square metres).

The scheme was amended to reduce the building envelope to the rear, and to include a secure and covered Sheffield rack accommodating eight cycle spaces in a secure area to the rear, connecting to the common stair.

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 proposed use and density are acceptable;
- b) scale form and design are appropriate;
- c) parking and cycle parking are addressed;
- d) amenity of the proposed units is sufficient;

e) amenity to neighbours is considered; and

f) comments are addressed.

a) Principle of Use and Density

LDP policy Hou 1 considers sites suitable for housing.

The site lies in a residential side street in the urban area and residential use is acceptable in principle subject to other policy requirements being met. The site has several previous consents for housing use (see History).

LDP policy Hou 4 considers density.

The proposed density equates to 245 units per hectare. It is noted that traditional tenemental densities in the Leith Walk/ Easter Road zone are frequently over 200 units per hectare, and most modern developments in this area are from 200 to 260 units per hectare. The proposed density is therefore acceptable.

LDP policy Hou 2 considers mix of units.

The scheme contains units ranging from studio flats to two bedroom flats. The mix of units is acceptable.

b) Scale, Form and Design

LDP policies Des 1 and Des 4 consider how the design will fit into its surroundings.

The existing street contains three disparate styles: four storey red sandstone tenements of the late 19th century; interwar three storey Council blocks, finished in white render; and new-build four storey flats in brick and render. There is no strong homogenous character to the existing streetscape.

The proposed infill is a contemporary design with large vertically proportioned windows and a flat roof. Although it is 800mm higher than the adjacent eaves, and splays forward from the northern building line as an angled bay, it forms a logical step between the adjacent ridges, and stands over 2 metres below the adjacent tenemental ridge height. The scale is appropriate in this context.

Although flat roofed buildings are not typical of the area, this fits well with the contemporary design of the building and is acceptable in an area of mixed character. Likewise, the use of brick fits well into a street of mixed character.

The existing building line on the street is not rigid. In general, the older red sandstone blocks stand closer to the road than the white ex-Council blocks. The newer blocks to the north introduce bay features and have a modulated building line. The introduction of an angled bay feature is considered to be a positive contribution to the design, and will add visual interest to the street, without compromising the amenity of neighbours (see below).

The proposed form and design are appropriate to the site and meet the requirements of policies Des 1 and Des 4.

c) Parking and Cycle Parking

LDP policy Tra 2 considers car parking requirements.

Current Council objectives seek to minimise car generation in the city and absence of car parking is now acceptable where adequate public transport links exist. The site lies within 60 metres of Dalmeny Street which is the route for the 13 bus. It is also within easy walking distance of Leith Walk, which is a major public transport corridor. Buses also exist on Easter Road to the east. Public transport connections are therefore sufficient to justify a zero car solution. As the scheme complies with current parking policy a City Car Club contribution cannot be sought.

LDP policy Tra 3 considers cycle parking. Guidelines relating to Tra 3 ask that the provision for this development be 100% and that it be in a secure location.

The scheme was amended to include an eight-space cycle store in a covered area to the rear of the communal stair. This is in the form of four paired spaces, attaching a Sheffield rack. Policy does not preclude this format. This solution is considered sufficient for the needs of the development. Tra 3 is complied with.

The site lies around 500m from the proposed tram line on Leith Walk. A contribution of £15,000 is sought, by legal agreement, towards tram infrastructure in accordance with LDP policy Del 1.

d) Amenity of the Proposed Units

LDP policy Des 5 and the Edinburgh Design Guidance consider the amenity of the proposed units. Policy Hou 3 considers open space requirements for housing.

All units are dual aspect and exceed minimum space requirements. All will have adequate sunlight and daylight.

Only two of the units have private open space: the rear ground floor unit is allocated the entire rear garden area (around 60 square metres); and the rear second floor unit is given a large rooftop terrace (around 30 square metres).

Although five units have no private open space, this is a justified exception on a constrained urban site. The site is only around 100 metres from the Dickson Street park and playground which helps mitigate this breach of policy.

The amenity of the proposed units will be acceptable in this context.

e) Impact on Neighbouring Amenity

LDP policy Des 5 and the Edinburgh Design Guidance also consider the amenity impact on neighbouring houses.

The scheme was specifically amended in its rear form to ensure full compliance with Council daylight parameters to neighbouring windows. As now amended all impact on adjacent windows falls (exactly) on the policy limit in terms of impact on neighbouring windows.

Some proposed windows within the rear section will view obliquely into the neighbouring rear greens. As these common areas are already overlooked by multiple flats this does not constitute a loss of privacy in policy terms. Therefore, whilst there will be additional overlooking of neighbouring land, this is considered acceptable.

Impact upon daylight to the garden to the south is mitigated by the orientation. On this side there will be no loss of sunlight and minimal loss of daylight.

In relation to daylight to the north side, the entire plan form and envelope are conceived around the required parameters to neighbouring daylight to windows. There will be some impact to the closest windows (in 81 Dickson Street) but this impact will fall within acceptable limits in terms of the policy guidelines. Equally, although there will be some loss of daylight to the rear common garden at 81 Dickson Street, this also falls within acceptable limits.

One objection (from a neighbour on the opposite side of the street) referred to loss of sunlight through the existing gap. Specific views and or glimpses of sunlight are not protected by policy. Although it can be calculated that in high summer the sun will shine through the existing narrow gap between gables (at around 7pm), the flat opposite will continue to receive the bulk of its sunlight from the south without interruption. The loss of a specific 30 minutes of sunshine at certain times of the year is not justification for refusal.

The proposals are in compliance with policy Des 5 in terms of neighbouring amenity.

f) Public Comments

Material Comments

- Overdevelopment/ too dense - addressed in section 3.3 a) above;
- Inappropriate design - addressed in section 3.3 b) above;
- Impact on sunlight and daylight - addressed in section 3.3 e) above; and
- Impact on parking - addressed in section 3.3 c) above.

Non-Material Comments

- Disturbance from construction - this is not a planning consideration;
- The requirement to reroute cables and vents on the flanking gables - this requires to be addressed but is not a planning consideration;
- Insufficient neighbour notification - the scope of neighbour notification and the period for public comment met statutory requirements;
- The applicant is inexperienced - Company experience is not a material planning consideration;
- Impact on utilities - this is not a planning consideration;
- The end user is unclear - whether the units are for sale or rent is not a planning consideration; and

- Works may also impact on the existing tree on the street - this does not lie within the site boundary - as a council-owned tree this will be independently assessed if requested for removal.

Conclusion

The proposal creates a satisfactory infill in terms of form and design. Impact on neighbouring properties falls within acceptable parameters in terms of council guidelines. The absence of car parking is acceptable in this location. The amended scheme has addressed on site cycle storage. The proposal complies with local 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 to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. Prior to the issue of the decision the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution of £15,000 towards tram infrastructure.
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.

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:

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

31 objections were received from local residents and persons on their behalf. These are addressed 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](#)
- [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 Local Development Plan.

Date registered

3 January 2019

Drawing numbers/Scheme

1a-6a,7b,8,9a-11a,12,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The 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 Local Development Plan.

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

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

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

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.

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

Application for Planning Permission 19/00009/FUL At 79A Dickson Street, Edinburgh, EH6 8QH Proposed five storey residential development comprising 7 flats (as amended).

Consultations

Roads Authority

The application should be refused.

Reasons:

The proposed development makes no provision for cycle parking as required under the Council's current standards.

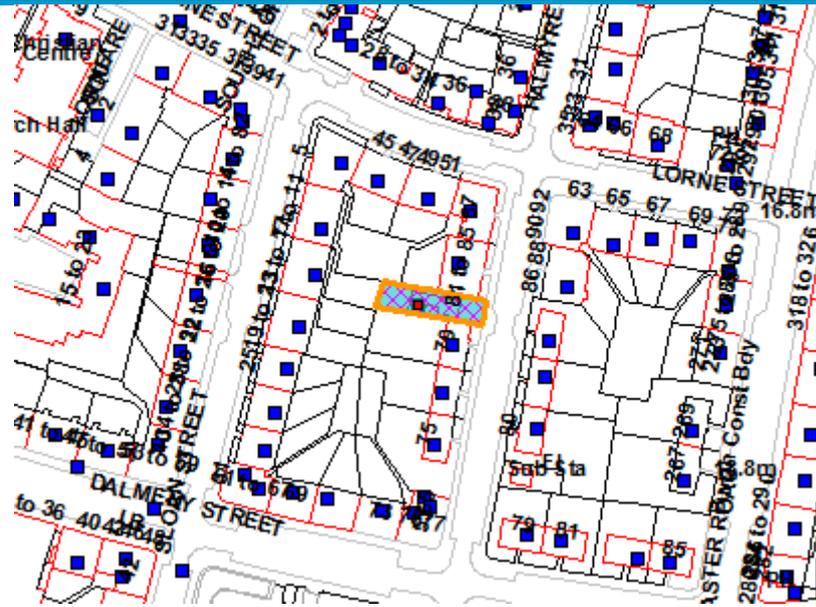
Should you be minded to grant the application, the following should be included as conditions or informatives as appropriate:

1. The applicant should be required to provide a minimum of 1 cycle parking space per unit in a secure and undercover area;
2. Contribute the sum of £15,000 (based on 7 residential units in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
3. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area in mitigation of the absence of car parking provision;
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including 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.

Note:

The proposed site is considered to be a 'gap' site and therefore zero parking provision is considered acceptable.

Location Plan



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