

Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 18/09563/FUL
At 198 Great Junction Street, Edinburgh, EH6 5LW
Amendment to previously consented scheme
17/05415/FUL. Proposal for 37 flatted units comprising of
refurbishment of existing foyer building and new build
extension.**

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|----------------------|-------------|
| Item number | 4.10 |
| Report number | |
| Wards | B13 - Leith |

Summary

The proposals largely comply with the local development plan and the non-statutory guidance. The principle of the use is acceptable in this location. The proposals will have no adverse impact on the listed building or its setting, will preserve the character and appearance of the conservation area, will have an acceptable impact on residential amenity and traffic and road safety and will have no other unacceptable environmental impacts. There will be no net impact on educational provision and a legal agreement will ensure an appropriate contribution to the provision of affordable housing and transport infrastructure. The principle of the demolition of the auditorium is acceptable subject to a condition with respect to phasing of the construction of the building.

Links

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| <u>Policies and guidance for this application</u> | LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN02, LEN03, LEN04, LEN06, LEN09, LEN16, LEN21, LHOU02, LHOU03, LHOU06, LTRA02, LTRA03, LTRA09, NSG, NSLBCA, NSGD02, OTH, CRPLEI, |
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Report

Application for Planning Permission 18/09563/FUL At 198 Great Junction Street, Edinburgh, EH6 5LW Amendment to previously consented scheme 17/05415/FUL. Proposal for 37 flatted units comprising of refurbishment of existing foyer building and new build extension.

Recommendations

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

Background

2.1 Site description

The application site relates to a former art deco cinema on the north-east corner of Great Junction Street and Mill Lane and immediately adjacent to the Water of Leith. There are three commercial units on the ground floor to the west of the main entrance, that are not part of this application.

The upper levels of the building have been most recently used as a church, and the auditorium to the rear has been derelict for a number of years, although its last use was that of a night club.

The bulk of the building, which contains the cinema auditorium, is housed to the rear (north east) in a rendered structure with a corrugated sheeting pitched roof. It has suffered fire damage. The art deco part of the building is on the Great Junction Street side of the site. This part of the building is flat roofed and three storey on the front elevation. It is rendered, with a distinctive tower feature and a curved entrance area with projecting canopy on the corner of Great Junction Street and Mill Lane.

There is a small park at Taylor Gardens on the other side of Mill Lane. The area contains a mix of residential with commercial units to the east on the ground floor level of Great Junction Street.

The building was B listed on 29 March 1995 (ref. LB27487).

This application site is located within the Leith Conservation Area.

2.2 Site History

6 September 2006 - Listed building consent granted for partial demolition, extension and refurbishment of existing building creating new housing, associated car parking and basement restaurant (as amended) (Application reference 06/00252/LBC).

12 October 2007 - planning permission granted for partial demolition, extension and refurbishment of existing building creating new housing, associated car parking and basement restaurant (as amended) (Application reference 06/00252/FUL).

19 June 2018 - Listed building consent granted for refurbishment of former cinema building and demolition of rear building to facilitate flatted development (Application reference 17/05414/LBC).

2 October 2018 - Planning permission granted for change of use and refurbishment of former cinema building, demolition of rear building and erection of new building to accommodate 36 flats, associated basement car parking and landscaping. (Application reference 17/05415/FUL).

Main report

3.1 Description Of The Proposal

The proposals are for a change of use from cinema and church to flatted dwellings. The rear of the building, containing the cinema auditorium, will be demolished and the main art deco section of the building which fronts onto Great Junction Street will be refurbished. The rear auditorium will be replaced by a five storey addition. Altogether there will be 37 flats and parking for 25 cars will be accommodated in the basement.

This an amended application following the previous application (17/05415/FUL) for 36 flats and 32 parking spaces, which was granted. In addition to the extra flat, there are minor changes to the layouts and fenestration details.

The existing building will accommodate six flats and a further 31 flats will be provided in the new build. The breakdown of proposed accommodation is as follows:

| Type | No. | Area |
|-----------|-----|------------|
| Studio | 2 | 45-51 sqm |
| 1 Bedroom | 8 | 52- 58 sqm |
| 2 Bedroom | 22 | 76-106 sqm |
| 3 Bedroom | 5 | 94-112 sqm |

All flats meet minimum space standards.

In the new build, on the north-east elevation, the flats will face the Water of Leith and there will be private balconies on this side. On the south side of the new build, there will be a shared courtyard area with planters. Some of the flats will have balconies on this side. At fourth floor level, there are two penthouse flats with roof terraces and there is also an area of communal roof garden.

A ramp down to the basement garage will be located on the south east boundary of the site. Bin storage will be accessed off the lane to the garage and bike storage is located in the basement garage. There will be one motorcycle space. It is proposed to create 25 vehicular parking spaces, three of which will be for people with disabilities. Six spaces will have electrical charging points. 78 cycle spaces are proposed.

The ramp to the basement will block the pedestrian route to the rear of Mill Lane and that connects to Sheriff Park.

The new build element will be a four storey brick building with eaves height matching that of the height of the art deco element. At the fifth storey, the building will step back and the building will be clad with dark bronze aluminium cladding. On the river elevation, there will be perforated aluminium screens that partially screen the balcony areas.

There will be 60 photovoltaic panels installed on the roof of the penthouse.

Affordable housing equivalent to 25% of the total number of units will be delivered via a commuted sum.

Supporting Documents

As part of this application the following documents have been submitted which are available to view on Planning and Building Standard's Online Services:

- Design and Access Statement;
- Archaeological Report;
- Flood Risk and Drainage Impact Assessment;
- Geo-Environmental Report;
- Preliminary Bat Roost Assessment;
- Bat Activity Survey Report;
- Noise Impact Assessment;
- Transport Statement; and
- Supplementary Planning Statement.

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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 proposals is acceptable in this location;
- b) the character and appearance of the conservation area will be preserved or enhanced;
- c) there will be any detrimental impact on the character or setting of the listed building;
- d) the design, form and materials are acceptable;
- e) there will be any detrimental impacts on residential amenity;
- f) there will be any adverse impacts on traffic or road safety;
- g) affordable housing provision is acceptable;
- h) educational infrastructure provision will be sufficient;
- i) there are any other material considerations; and
- j) any comments have been addressed.

a) Principle of Development

Policy Hou 1 of the Local Plan relates to the provision of housing on suitable sites within the urban area.

The surrounding area is dominated by residential uses, although there are commercial units on the ground floor of this building and a pub is on Mill Lane. The principle of housing on this site has been accepted in the previous application (17/05415/FUL). There is a suitable mix of house types in compliance with policy Hou 2 and the density is compatible with the flatted character of the surrounding area, in compliance with policy Hou 4.

Although an additional unit is now proposed in this current application, subject to points addressed below, the principle of the development remains acceptable.

b) Conservation Area

Policy Env 6 in the LDP requires development proposals to preserve or enhance the character or appearance of the conservation area and permits development which is consistent with the relevant conservation character appraisal.

The Leith Conservation Area Character Appraisal (LCACA) notes that:

Notable buildings on Great Junction Street include: The former State Cinema at No. 105 dating from 1938 in a Modern Movement style with white geometric walls massing up to a pagoda inspired tower.

The character and appearance of the conservation area will change with the demolition of the auditorium and the erection of this flatted development. The rear of the building that is to be demolished has no external features of merit and its removal and replacement with a new structure of good quality design, as assessed in Section 3.3.d), will be an improvement. The refurbishment of the remaining building will also contribute positively to the character and appearance of the conservation area. The amended proposals will result in minor alterations to the fenestration to that approved. However these will not have any impact on the character of the conservation area.

Policy Env 6 is complied with.

c) Listed Building

Policies Env 2, 3, and 4 relate respectively to the substantial demolition of listed buildings, developments that impact their setting and alterations to listed buildings.

The existing architectural form of the cinema is composed of two portions, the art deco section on the Great Junction Street frontage and a utilitarian rendered shed like structure to the rear that houses the cinema auditorium. It is the rear section that is being proposed to be removed. The removal of this section of the building constitutes substantial demolition of the building.

The Local Development Plan (LDP) Policy Env 2 states that the total or substantial demolition of a listed building will only be supported in exceptional circumstances. Historic Environment Scotland's Policy Statement outlines the tests that need to be met to justify demolition of all or a substantial part of the building. Only one of the four tests need to be met. The applicant has submitted a statement to show that they meet test a) the building is not of special interest. The statement cites the Historic Environment Scotland's consultation response to the concurrent LBC application which says that "the auditorium's special interest relates to the quality of its interior. The auditorium has been considerably altered. The extent of loss of the original cinema decorative scheme and recent fire damage have significantly diminished the auditorium's historic character. In our view the auditorium does not contribute to the listed building's special interest."

It is accepted that very few of the qualities that contributed to special interest of the cinema auditorium are left. Subject to a replacement structure that is sympathetic to the remaining art deco building, and a program of conservation led restoration for that part of the building, the principle of losing the auditorium is acceptable. A condition is added to ensure that a substantial amount of the remaining cinema building is refurbished before work is commenced on the replacement structure.

The proposed amendments to the consented scheme that are in this new application, in terms of new windows in blocked up openings, are minor and, overall, will be of benefit to the character of the part of the listed building that is to be retained.

On this basis, the special interest of the listed building and its setting will be preserved in compliance with policies Env 2, Env 3 and Env 4.

d) Design, form and materials

Policies Des1 and Des 4 require new development to contribute towards a sense of place and to have a positive impact on its surroundings.

The new development will be higher than the remaining original building and the building it replaces. However the bulk of building will line up with the remaining listed building. The penthouse level will step back and will not compete with the original building. Its scale is appropriate.

The proposed new build is L shaped in plan, being arranged around a communal entrance courtyard. Its form is flat roofed and simple. Materials are primarily brick with a metal screen on the river front. The remaining art deco part of the building is rendered and the principle of brick in this context will be acceptable.

The design of a simple flat roofed brick structure with a metal screen that wraps around it on the river elevation. This adds a layer, and level of interest, that is absent on the courtyard elevation. There is no change to the design concept from the approved scheme. Overall the design, in terms of materials, scale and form is acceptable and complies with policies Des1 and Des4.

e) Residential amenity

Policy Hou 3 relates to private green space in housing developments. Some communal open space is provided in the communal courtyard at the entrance level (260 sqm) and a communal roof garden of 87 sqm. This is almost 20% of the total site area (1740 sqm). Although this is less than 10 sqm per flat, most flats have some balcony space, and the penthouse flats have generous roof terraces. Although a slight infringement of policy Hou 3, open space provision is acceptable.

Policy Des 5 relates to the residential amenity of new development both for the occupiers of that development and for residential neighbours. The current proposals propose minor amendments to the provision of and layout of the proposed flats. All flats will comply with minimum space standards.

The only residential neighbours are to the north east. Any existing windows are located a considerable distance away from the proposed development. The proposed development locates a number of windows close to the shared boundary. The new building is taller than the existing auditorium structure at this shared boundary. There will be a moderate impact on over-shadowing to the neighbouring land. The level of impact on amenity to the neighbouring land and flats will be the same as the existing consent for flatted development and is therefore considered acceptable.

There will be a detrimental impact on residential amenity but a departure from policy Des 5 is considered acceptable in this instance.

f) Traffic and road safety

Policies Tra 2 and 3 relate to the provision of, and design of, vehicular and cycle parking.

The application now proposes 25 vehicular parking spaces as opposed to the 32 previously consented. The applicant has submitted an amended transport statement in support of this change. The site is well situated to access public transport and the proposed changes are acceptable. 100% cycle parking is provided with 78 spaces.

The proposals meet standards outlined in the Design Guidance in terms of vehicular and cycle parking provision to be accommodated within the basement. Junction improvements at Mill Lane and Great Junction Street will increase pedestrian safety in this location.

The applicant will be required to make developer contributions to the tram line and transport improvements. These contributions will total £22,410.00 and will be the subject of a legal agreement should the application be minded to grant.

Should the applicant wish to enforce the proper use of parking spaces for disabled parking a contribution of £2,000 will be required. This does not need to be included in the legal agreement.

The location of the ramp to the basement parking area is such that a path that exists from the south east side of the site to Sherriff Park will be obstructed. The path is unrecorded as a right of way but is likely to meet the criteria of one. However, as a pedestrian route of similar distance is available from the housing at Sherriff Brae via Mill Lane, the loss of this route may not be significant. The applicant has been advised that a diversion order is required under Section 208 of the Town and Country Planning (Scotland) Act 1997 to divert the right of way. An informative is added to this effect

There will be no adverse impact to traffic and road safety and the proposals comply with policies Tra 2 and Tra 3.

g) Affordable housing

Policy Hou 6 relates to the provision of affordable housing. Where the number of units exceeds 11, it is expected that 25% of all units be affordable and be delivered on site. The previous application of 36 units proposed 9 units. However, after further discussions with RSLs, it has not been possible to provide affordable housing on site due to the prohibitive high build costs per unit. The properties are not financially viable for an RSL due to the costs of flood defences and the listed building. A golden share arrangement, where flats may be sold at 80% of the market value is not considered to be appropriate as the prices would still be too high to be considered truly affordable. Although Affordable Housing has discussed the possibility of golden share flats being delivered at 70% of market area, the applicant has stated that this would render the development unviable. Although on site delivery of affordable housing is the ideal, in this instance, a contribution via commuted sum equivalent to 25% of 37 units is considered acceptable, as it will be used to provide affordable housing elsewhere. It will be expected to be delivered as part of any legal agreement and this will be on the basis of the land value determined by the District Valuer.

h) School infrastructure

Policy Del 1 relate to development that will impact existing infrastructure such as schools.

The development is not expected to generate the requirement for any additional educational infrastructure in this area and therefore no developer contributions are requested in respect of education.

i) Other material considerations

Archaeology:

Works associated with this development has the potential to disturb archaeological remains and a condition is added to ensure that a programme of archaeological work is done prior to and during demolition and development. A further condition is added to ensure that the cinema is appropriately recorded prior to demolition.

Flooding:

Upon submission of a Flood Risk Assessment (FRA) and Surface Water Management Plan (SWMP) both SEPA and the Council's Flooding Team are satisfied that the development is not at risk of flooding and will not contribute to an additional risk of flooding.

Natural Heritage:

Surveys for bats have not found any bat roosts. There will be no adverse impact in terms of protected species.

The amendments outlined in this latest application do not raise any new planning issues. There are no other material considerations which would impact the assessment of this application.

j) Public comments

The Leith Harbour and Newhaven Community Council support the proposals. Their comments are addressed in section 3.3.c).

Conclusion

In conclusion, the proposals largely comply with the local development plan and the non-statutory guidance. The principle of the use is acceptable in this location. The proposals will have no adverse impact on the listed building or its setting, will preserve the character and appearance of the conservation area, will have an acceptable impact on residential amenity or traffic and road safety and will have no other unacceptable environmental impacts. There will be no net impact on educational provision and a legal agreement will ensure an appropriate contribution to the provision of affordable housing and transport infrastructure. The principle of the demolition of the auditorium is acceptable subject to a condition with respect to phasing of the construction of the building.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The 31 new build properties to the rear, as part of the new build element, shall not be occupied until the former cinema frontage is restored as shown on the approved plans.
2. No demolition shall take place until the contract for the new development has been let, and written evidence of this has been made available to and accepted in writing by the Planning Authority.
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.

4. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, analysis & reporting, publication, public engagement/interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. 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.
6. 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.
7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.
2. In order to retain and/or protect important elements of the existing character and amenity 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.
4. In order to safeguard the interests of archaeological heritage.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. 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 applicant shall enter into a suitable legal agreement in respect of the following:
 - i) A contribution of £18,410.00 for developer contributions on infrastructure deliver and to include contribution towards the Edinburgh Tram. The sums are to be indexed as appropriate and the use period to be 10 years from the date of payment.

- ii) A total contribution of £4,000.00 to progress suitable orders to re-determine sections of the footway and carriageway and to introduce loading and waiting restrictions as necessary.
- iii) Affordable housing (to be delivered via a commuted sum).

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
6. 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.
7. 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 Council 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 but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

8. 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.
9. The location of the ramp to the basement parking area is such that right of way that exists from the south east side of the site to Sherriff Park will be obstructed. A diversion order is required under Section 208 of the Town and Country Planning (Scotland) Act 1997 to divert the right of way

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 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

There has been letter of support received from the Leith Harbour and Newhaven Community Council.

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

Date registered 29 October 2018

Drawing numbers/Scheme 1-32,

Scheme 1

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 Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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 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 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

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

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 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

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 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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.

Other Relevant policy guidance

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

Appendix 1

Application for Planning Permission 18/09563/FUL At 198 Great Junction Street, Edinburgh, EH6 5LW Amendment to previously consented scheme 17/05415/FUL. Proposal for 37 flatted units comprising of refurbishment of existing foyer building and new build extension.

Consultations

Transport

Response dated 19 February 2019

Further to the memorandum dated the 23rd of August 2018, there are no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. 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;*
- 2. 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 Council 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 but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 3. 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:

It is understood that the proposed development would add 10 beds to the existing 35 existing care home. Current standards would permit / require the following:

- o Motor vehicle parking - maximum 1 space per 4 beds, i.e. 3 spaces for the additional 10 beds and 12 spaces for the total 45 beds. 12 Car parking spaces are proposed;*
- o Cycle Parking - minimum of 3 cycle parking space is required, i.e 1 per 15 beds for the total of 45 beds. 10 cycle parking spaces are proposed;*
- o Motorcycle parking - minimum 1 space per 25 beds, i.e. 1 space for the additional 10 beds and 2 for the total 45 beds. 2 motorcycle parking spaces are proposed;*
- o Electric vehicle parking - minimum of 1 space per 6 spaces to feature a charging point. 2 EV parking spaces are proposed, meeting this requirement;*

o *Disabled parking - minimum of 1 space for each disabled employee plus 12% of total motor vehicle parking provision. 2 accessible spaces are proposed, this meets this requirement. There is some concern over the position of space 12, as accessible parking should be as close as possible to building entrances as possible.*

Response dated 23 August 2018

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

- 1. Contribute the sum of £18,410 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 (See Note III for further information);*
- 2. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
- 3. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- 4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 5. 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;*
- 6. 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 Council 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 but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 7. 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:

- 1. The application has been assessed under the 2017 parking standards. These permit the following:*
 - a. A maximum of 37 car parking spaces, 25 car parking spaces are proposed;*
 - b. A minimum of 78 cycle parking spaces, 78 cycle parking spaces are proposed;*
 - c. A minimum of 8% of the total parking should be designated as accessible. The 3 accessible spaces proposed meets this requirement;*
 - d. A minimum of 1 in 6 spaces of the total parking should be equipped for electric vehicle charging. The 6 spaces proposed meets this requirement;*

- e. A minimum of 1 motorcycle parking spaces, 1 space is proposed;
- II. Tram Line Developer Contributions based on Net Use figure based on proposed use of 37 residential units in zone 3 (£47,294) - Existing Use of 2355m2 GFA of Non Residential Institution in zone 3 (£28,884) = £18,410

Archaeology

Further to your consultation request, I would like to make the following comments and recommendations concerning the above application for an amendment to previously consented scheme (17/05415/FUL). New proposal for 37 flatted units comprising of refurbishment of existing Foyer building and new build extension.

The application site lies on the eastern bank of the Water of Leith and is currently occupied by the former State Social Club and Cinema. This B-listed building was constructed in 1938 and has been significantly altered since its initial construction and was latterly used as a bingo hall. As mentioned in AOC's accompanying Desk-based Assessment (AOC report 24088) the site lies on the edge of the medieval town within an area associated with milling since the early medieval period. The discovery of human remains on/close to the site in 1820 is of further interest as they potentially signifying prehistoric burials in the area. The sites association with the 16th century town defences (they overly the presumed crossing point for these) may suggest a later date for these remains.

The site's location is also within the navigable stretch of the Water of Leith and as such the site has significant potential for containing maritime remains such as wharf's, fish traps and ship yards dating back to the medieval. Indeed, the suitability of the site for such industry is shown by the location of a ship-building yard on this site on Ainslie's 1804 Map. The site investigation report by GEOVIA support this potential by indicating deep alluvia deposits underlying the site. The 19th century maps also show a range of industrial concerns being developed on the site culminating with the construction of the Leith Engine Works by 1849.

Accordingly, this building is regarded as being of archaeological and historic significance and an important contributor to the character of Leith's historic port. Therefore, this application must be considered under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh Local Development Plan (2016) policies DES 3, ENV8 & ENV9.

As stated in my earlier response (18th Dec 2017) the redevelopment of this site and building will require a phased programme of archaeological mitigation including: Historic Building Recording, Excavation, analysis & reporting, publication, public engagement/interpretation. This was secured by Condition 4 attached to application 17/05415/FUL. Subsequently a WSI was agreed in September 2018 with AOC Archaeology acting on behalf of the developers covering the Historic Building Survey and Phase 1 (Evaluation) of the required archaeological excavation works.

To date the only the Historic Building Survey (AOC report 24088) has been undertaken and reported upon by AOC. This still leaves significant archaeological mitigation to be undertaken: excavation, analysis & reporting, publication, public engagement/interpretation. Accordingly, it is recommended that the following condition is attached to this amended application to secure this required archaeological mitigation;

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement/interpretation) 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.

Children and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

27 Flats (10 one bedroom flats excluded)

This site falls within Sub-Area LT-1 of the 'Leith Trinity Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The development will generate at least one additional primary school pupil, but not at least one additional secondary school pupil.

The education actions relevant to this area only relate to increasing secondary school capacity. As the development is not expected to generate at least one additional secondary school pupil, no contribution is required.

Affordable Housing

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is 25% (of total units) for all proposals of 12 units or more.

This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.

Recommendation: Commuted Sum

2. Affordable Housing Provision

This application is for a development consisting of up to 37 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (9) homes of approved affordable tenures.

In all instances for applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site, in a manner that is well-integrated. Only where the Council is satisfied that the affordable housing could not be viably delivered onsite by a housing association, that alternative proposals are considered.

Onsite RSL delivery was considered but discounted for the reason of high purchase costs. The proposals were discussed with Port of Leith Housing Association but the cost plan identified a build cost of £178,000 per unit. The costs were high due to the additional associated flood defences to protect from the Water of Leith. Places for People also considered the opportunity to purchase from the developer but again did not want to take forward the development as the costs to purchase were too high for the RSL. Both RSLs operate a financial model, which can support purchase of flats at around £130,000 per unit and these costs, are too high for an RSL to purchase.

The cost plan was reviewed by external consultants appointed by the Council's Estate's Department. The Estates Department assessed these costs and their opinion is that the costs plan is accurate and is in line with the market for costs associated with such a project. Some of the reasons for the high associated costs are to do with the retention of the existing façade and providing flood defences at the lower level of the building.

Golden Share has also been proposed by the developer but the proposed valuations are not at an amount that could be recommended as affordable. The properties fall within the golden share threshold of £214,796 but this threshold is set for a three bedroom property. Two bedroom apartments at the proposed Golden Share value of £201,000 are not recommended as an affordable housing product.

The DV has therefore been independently commissioned to provide a land value that could be used as the basis for the commuted sum. The DV findings are that a sum of £42,500 per unit would be applicable for this site, based on the land value. The commuted sum figure is £393,125 based on 9.25 units (25% of 37 units). The developer is querying these costs and the final sum will be as determined by the DV.

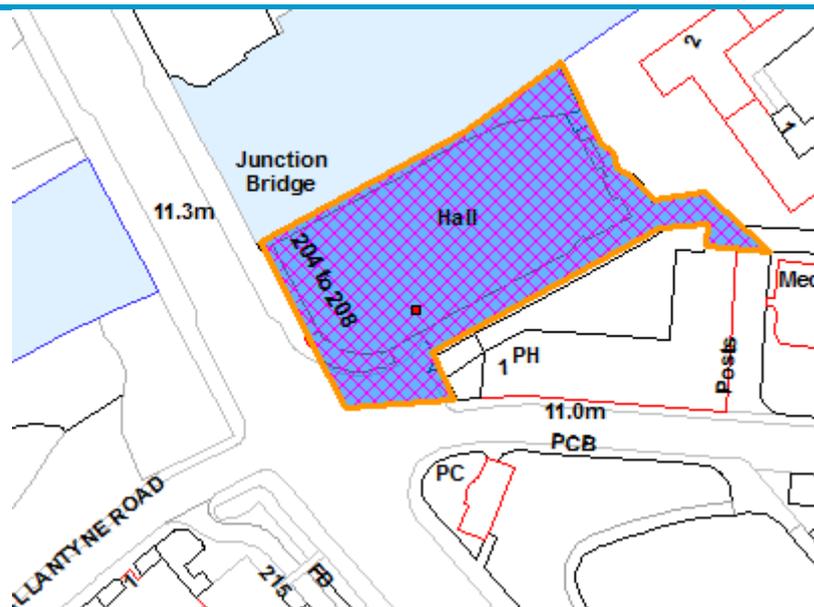
The developer will provide the commuted sum through a Section 75 agreement, paying the agreed sum prior to the commencement of construction on the principal site. The sum will be used to support the delivery of affordable housing in the same or adjacent Ward of the city.

This department would then be satisfied with this outcome as it will provide a commuted sum earlier than any AHP provision could have ever been delivered for onsite AHP land.

The developer will be required to enter into a Section 75 legal agreement to secure the affordable provision. This should be included in the Informatives section of the report to committee

We would be happy to assist with any queries on the affordable housing requirement for this application.

Location Plan



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