

Development Management Sub Committee

Wednesday 24 April 2019

**Application for Planning Permission 19/00860/FUL
At 5 Millar Place, Edinburgh, EH10 5HJ
Demolition of existing office premises, and erection of new
office with two flatted dwellings above.**

Item number	4.14
Report number	
Wards	B10 - Morningside

Summary

The proposed uses are acceptable. The scale, form and design are appropriate to the site and do not cause any unacceptable loss of amenity to neighbours. The amenity of the proposed flats will be adequate. Parking and cycle parking are acceptable. No other issues outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU01, LEMP01, LDES01, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02,
---	--

Report

Application for Planning Permission 19/00860/FUL At 5 Millar Place, Edinburgh, EH10 5HJ Demolition of existing office premises, and erection of new office with two flatted dwellings above.

Recommendations

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

Background

2.1 Site description

The existing site contains an office. This is housed in a small cottage, extended on its east side. On its approach side (north) it has private parking areas which form part of the application site.

This section of Millar Place is a cul-de-sac, with a branch eastwards to modern mews housing known as Millar Place Lane.

A small path skirts the west side of the site, linking Millar Place to Maxwell Street.

The site backs onto (on its south side) the communal rear gardens of flats on Maxwell Street: a traditional tenement dating from the early 20th century. A large telephone exchange property stands to the south-west.

2.2 Site History

5 December 2018 - a similar proposal with a more substantial form on its southern boundary was withdrawn (planning reference:18/09465/FUL).

January 2019 - confirmation that no consents required to remove large sycamore to the east.

Main report

3.1 Description Of The Proposal

The application seeks permission to demolish the existing office and redevelop the site to provide increased office accommodation, and development of the roofspace to create two independently accessed residential units.

An office of 258 square metres is created at ground floor and basement levels.

The first floor is created as two independently accessed flats: a three bedroom flat of 106 square metres; and a studio flat of 64 square metres. The larger unit has an outdoor terrace of around 10 square metres. The smaller flat has a large central terrace of around 25 square metres.

The proposal has a contemporary design concept. From the north side it will appear as two storeys high with a flat roof. From the south side it has a pitched zinc roof. The walling material is brick.

An undercroft to the east side provides two parking spaces and an area for cycle storage. Each flat has a cycle store at ground floor level, immediately upon entry.

A supporting report addresses the issues of protecting the potential culverted stream on the south edge of the site. A Design Statement is also included. These are available to view on 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 proposed uses are acceptable;
- b) the scale, form and design are acceptable;
- c) amenity of the proposed flats is acceptable;
- d) impact on neighbouring amenity is acceptable;
- e) parking and cycle parking are addressed;
- f) other issues are addressed; and
- g) comments are addressed.

a) Principle of Uses

Policy Emp 1 of the adopted Edinburgh Local Development Plan (LDP) sets out criteria for office development within the city; the criteria is mainly applied to proposals which are of a larger scale and within identified locations. However, where it is demonstrated that sites in identified locations are unavailable or unsuitable, other accessible mixed use locations may be considered where the proposal is in keeping with the character of the local environment. Paragraph 206 of the LDP supporting text supports a flexible approach to office proposals in other mixed locations within the city.

Evidence to demonstrate that there are no available or suitable sites in identified locations has not been submitted. In this instance, due to the current office use and the small scale nature of the proposal, it is considered that this requirement is unnecessary. The site is located in the urban area in a location which is accessible by public transport. Therefore it is considered to comply with the objectives of Policy Emp 1.

LDP policy Hou 1 seeks to create housing on sites capable of supporting housing use. The wider area is almost wholly residential in character. The addition of two residential flats, making the scheme a mixed use development, is acceptable in principle, but is subject to consideration of the factors below.

b) Scale, Form and Design

LDP policy Des 1 and Des 4 consider the design and form of a proposal in the context of its setting. These seek that new development be of adequate design quality, and do not have any adverse impact upon their surroundings.

The existing building is of no architectural or historic interest. Permission is not required for its demolition.

The site is not suitable for a tenemental development, matching the majority of surrounding forms, and a lower scale of development is appropriate here. The modest increase in height will better match the buildings to the east. The design concept is contemporary with zinc cladding sitting on top of brick walls with a mixture of flat roofs and sloping roofs.

There is a mixture of styles within the wider area, including a modern mews to the east, and the proposed design is acceptable in this context. Although zinc roofing is not found in the surrounding area, this is acceptable in the context of the chosen design idiom. Similarly the predominant material in the area is stone and the use of brick will introduce a different material. However, this is compatible with the modern design concept and provided this is of high quality, it should blend in successfully. A condition is added on materials.

The addition of an extra floor is appropriate in this context, as it will match the scale of the mews houses to the east. This is subject to other policies (daylight and privacy) being met (see below).

The scale, form and design are appropriate for this site and comply with policies Des 1 and Des 4.

c) Amenity of the Proposed Flats

LDP policy Des 5 and the Edinburgh Design Guidance consider amenity needs of new housing.

The flats primarily face northwards to the blank tenement gable to the north-east and along the approach road to the site.

The western unit has windows on all four sides (those to the south are velux to avoid overlooking issues). The windows raise no privacy issues.

Daylight and sunlight levels will be acceptable. The smaller eastern unit faces north and west. Its amenity will not be as high as the western unit but remains within acceptable limits.

Each unit has a private terrace. In this instance the smaller unit has the more generous space, but each is sufficient for amenity needs.

Although Environmental Protection suggested that a noise impact assessment should be undertaken, this is not appropriate as the office use currently exists. Noise between the office and the new flats above is addressed through building regulation requirements.

The amenity of each flat will meet policy requirements in compliance with policy Des 5.

d) Amenity to Neighbouring Residents

LDP policy Des 5 and the Edinburgh Design Guidance consider impact of new development on neighbours.

The site sits to the north of the adjacent common back green. At the west side, the profile of the building on its south side is almost identical to the existing profile of the cottage element on site, mitigating any additional impact on daylight and also having minimal impact on sunlight. To the east, the building rises a storey above the existing single storey element. However, this section is open at ground floor, allowing daylight through. It is also noted that the impact is onto the walled zone that contains the culvert (see below) and the back green is set off the rear wall by around 1.5 metres. The net impact on the adjacent back green is very similar to the existing effect. All daylight requirements to the surrounding windows are met.

Outlook from the rear of Maxwell Street will change slightly. The ridge of the proposed building is around 300mm higher than the existing building apex. Views across the existing building will be lost to second floor flats on Maxwell Street. However, these views are not protected.

Privacy issues arising in the previous proposal (see History) have now been fully addressed. The two outer terraces (in the centre of the roof area) are now screened on their south edges such that they no longer view to the windows at the rear of Maxwell Street.

Several objectors raise concerns of the "overlooking" of the car port area into the rear common green. Privacy guidelines do not cover privacy from a car port area. Equally, issues of "light pollution" or noise from the car port are not covered by any policy. The relationship of the car port to the rear green is therefore not contrary to any guideline and is acceptable.

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

e) Parking and Cycle Parking

LDP policy Tra 2 considers appropriate parking levels.

Council objectives now seek to minimise car generation within the urban area. The application proposes only two parking spaces. This accords with the objective of maximum 100% for the flats. Whether or not a private agreement is made to share this with the office during working hours is a private concern.

LDP policy Tra 3 considers cycle parking.

Each flat has a store capable of holding at least one cycle immediately upon entry. The offices have a cycle store in the eastmost corner of the car park with space for five cycles. Policy Tra 3 is met.

The footprint of the building stands further onto the tarmac area to the north than the existing building. It is accepted that this area is owned by the applicant. However, this does not preclude the area in question from being a designated "road". A Partial Stopping Up Order is likely to be required over this area.

f) Other Issues

LDP policy Env 21 considers flood protection.

The site lies adjacent to the culverted Jordan Burn, which runs just south of the site boundary. Whilst the site has no known flood risk, care must be taken during the excavation for the basement area not to impinge in any way upon this existing culvert. An informative is added to highlight this need.

Environmental Protection asked for noise protection linked to air conditioning for the "computer room". The architect has highlighted that this is not a "computer room" in the commercial sense, and is simply a room dedicated to a small CAD computer system. This does not require cooling in the way a mainframe computer would require. There was no requirement for this use to be stipulated on plan. In use class terms the entire property is a class 4 office and does not require air conditioning equipment.

A substantial tree to the east of the site has already been granted permission for removal (see History).

Waste vehicles cannot turn easily within the existing road configuration. A full turning area cannot be provided, even if the site was not developed. It is presumed that waste vehicles reverse down this section currently, and will continue to do so.

Roads Authority comments relating to the unadopted road surface are legal issues for the applicant to independently clarify.

The site has some potential archaeological interest. An archaeological investigation is requested by condition.

g) Public Comments

Material Comments

- the additional storey is not acceptable - addressed in section 3.3 b);
- building is too close to the tenement - addressed in section 3.3 b);
- loss of daylight and privacy - addressed in section 3.3 c); and
- lack of parking - addressed in section 3.3 e).

Non-Material Comments

- noise, light and fumes from cars in the car port - this is not a planning issue;
- car port views into common back green - policy does not protect this sort of relationship;
- the car port should have a solid back - this is possible but is not a policy requirement;
- the right of way should not be lost - this is unaltered in the application;
- loss of view - views are not protected; and
- construction would be noisy - this is not a planning consideration.

Conclusion

The proposed uses are acceptable. The scale, form and design are appropriate to the site and do not cause any unacceptable loss of amenity to neighbours. The amenity of the proposed flats will be adequate. Parking and cycle parking are acceptable. No other issues outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. A 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 safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should satisfy themselves that they have the necessary rights and authority to develop the northern section of the site.
5. The applicant should consider the placing of electric charge points within the proposed car port.
6. Care should be taken to ensure that there is no impediment to the flow within the culverted Jordan Burn either during or following construction.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Eight representations were received in objection to the application. These are addressed in section 3.3 g) 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

Date registered 20 February 2019

Drawing numbers/Scheme 1-9,

Scheme 1

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 Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

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 19/00860/FUL At 5 Millar Place, Edinburgh, EH10 5HJ Demolition of existing office premises, and erection of new office with two flatted dwellings above.

Consultations

Environmental Protection

Similar to the previous application for this site, we have some concerns about noise from mechanical plant associated with the new office negatively impacting on the amenity of the proposed residential above. Before we could support this application we would look for a Noise Impact Assessment to demonstrate that our expected standard of NR25 would be met within the proposed living apartments (window partially open for ventilation if units are situated externally). Alternatively an NR25 condition could be placed on the planning permission.

Waste Management

Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a residential development.

It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc.

Adequate provision should also be made for the effective segregation of materials within the building not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location and I feel we would require to look at the bin storage areas for this development more closely.

In view of these factors the developer must contact Waste Services on 0131 608 1100 or contact the officer for the area Hema Herkes directly Hema.herkes@edinburgh.gov.uk at the earliest point for advice relating to their options so that all aspects of the waste & recycling service are considered i.e. access for vehicles, health & safety, presentation points for kerbside bins and/or boxes and size of storage areas required in residential gardens for all bins & boxes etc. It would be beneficial to go through the site plans and swept path analysis/vehicle tracking to show how the vehicle will manoeuvre.

City Archaeologist

Further to your consultation request I would like to make the following comments and recommendations concerning this application demolition of existing office and erection of a new office and 2 residential units

The site overlies part of the original site of the Georgian and Victorian Royal Edinburgh Asylum (for the insane) immediately adjacent to the Female Wing, shown below on a detail taken from the 1876 OS Map.

Accordingly, this site has been identified as occurring within an area of archaeological potential and therefore the application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9.

Given the scale of the development it is considered that the potential impact of this proposal would be low, however potentially significant as ground breaking works may disturb significant remains and artifacts associated with this important former hospital. It is recommended therefore that a suitable programme of archaeological work (watching brief) is undertaken during any associated ground breaking-works (demolition and construction) to fully record and excavate any significant archaeological deposits uncovered.

It is recommended that the following condition be attached, if granted, to ensure that this programme of archaeological works is undertaken either prior to or during construction.

'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,) 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.

Roads Authority

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

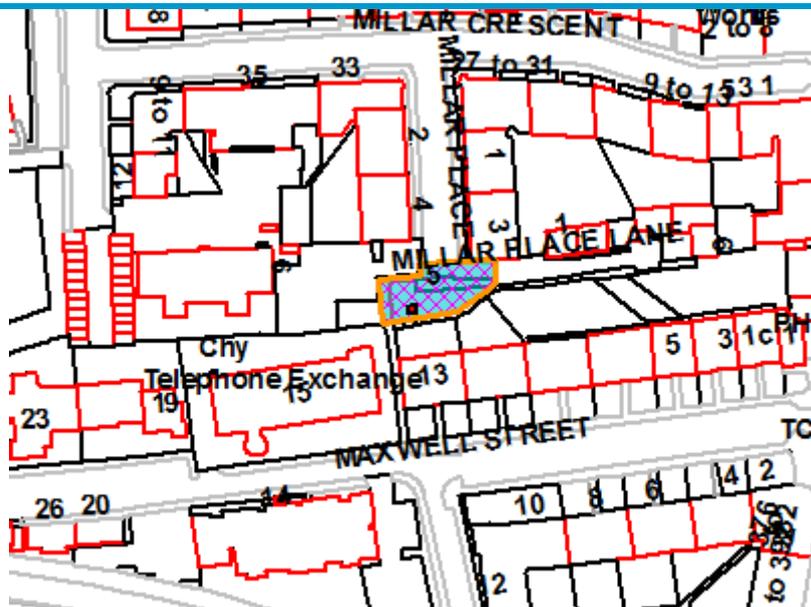
1. Council records indicate that the proposed development extends over an area of land which may form part of a 'road' as defined under the Roads (Scotland) Act 1984. This area may contain utilities and services which may impact on the proposed development. The applicant should satisfy themselves that they have the necessary rights and authority to construct the proposed development;
2. The applicant should be required to provide 4 cycle parking spaces in a secure and undercover location for the 2 residential dwellings and 2 cycle parking spaces for the office;

3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision 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;
4. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category D - New Build);
5. Electric vehicle charging outlets should be considered for this development.

Note:

The retention of 2 parking spaces for the office element is considered acceptable and complies with the Council's parking standards. Zero parking for the proposed residential element is considered acceptable.

Location Plan



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