

Development Management Sub Committee

Wednesday 29 April 2015

**Application for Planning Permission 14/05322/FUL
At 275 Portobello High Street, Edinburgh, EH15 2AQ
Re-development and extension of redundant office building
to create 26 flats with associated landscaping and parking
(as amended)**

Item number

Report number

Wards

A17 - Portobello/Craigmillar

Summary

The scale, form and design are largely derivative of the existing structure and the alterations are considered to have a net positive effect upon the character and appearance of the conservation area. Parking is adequate. Neighbouring amenity is unaffected in policy terms. The proposals comply with development plan policies and non-statutory guidelines and are acceptable. No other considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LPC, CITH2, CITH3, CITH4, CITH5, CITH7, CITD3, CITE6, CITE12, CITEM4, NSG, NSLBCA, NSHOU, OTH, CRPPOR,

Report

Application for Planning Permission 14/05322/FUL At 275 Portobello High Street, Edinburgh, EH15 2AQ Re-development and extension of redundant office building to create 26 flats with associated landscaping and parking (as amended)

Recommendations

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

Background

2.1 Site description

The existing property is a three storey former government office block, towards the eastern end of Portobello High Street, at its junction with Hope Lane. It is set back from the road and has its own existing car park to the rear. The existing building is made of a concrete-based artificial stone with horizontal aluminium glazing in dark brown. A 4m high upstand section at third floor level (set back from the front edge thereby reducing its visibility) contains the lift over-run, and is made of pale grey corrugated aluminium. The building is set back from the pavement, creating a front landscaped area in which there is currently a line of semi-mature trees.

The surrounding area is quite diverse, particularly in comparison to the rest of the High Street. On the north side of the road are two storey mid-19th century buildings with ground floor shops, fairly typical of the High Street as a whole. These terminate in a four storey tenement at their western end. To the immediate west is a single storey medical centre, with tall slate roof, dating from the 1980s. To the east is a red sandstone cinema, converted to residential use around 15 years ago. To the south (off the lane) a former nursing home of one and two storey height, is now converted to housing, with its single storey element lying closest to the application site. There is a small cluster of older two storey buildings on a private cul-de-sac to the south-east. To the south-west there is a large number of Council and ex-Council flats of two and three storeys, laid out with very large communal grounds. These are not typical of Portobello.

This application site is located within the Portobello Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes a change of use of the former office block to residential to create 26 flats, including a set-back rooftop extension, plus a 1.5m forward extension at the entrance bay. The entire building is reclad to give a more contemporary look. All ground floor units facing the High Street have front door access (via a new path introduced along the frontage within the landscape zone). All upper level flats (20) are for private sale. Ground floor units are specifically identified for affordable housing use (6 units) and are also suited to disabled occupiers.

The overall mix of units includes three no. three-bedroom units, 19 no. two-bedroom units, and four no. one-bedroom units.

A single storey, 4m deep rear section of the building, facing the car park, is to be demolished, reducing the overall depth of the building. This area is used to provide garden areas to the ground floor units. Lightweight decks, accessing the upper flats, are added over this zone. This reduction reduces the width of the east-west section to the same width as the north-south section, simplifying the design form. The net footprint of the building is reduced from 920sqm to 815sqm.

Existing car parking to the rear will remain, but with the introduction of landscaping in order to soften the area. Four spaces are formed as garaging within the rear section of the ground floor (two being accessed direct from Hope Lane). Cycle stores are provided internally at the base of each stairway.

The front entrance extension is proposed in natural stone. The existing buff concrete block is replaced with buff brick. Glazing is changed to grey aluminium with ceramic spandrel panels. The new set-back section on the roof is proposed to be built in dark grey vertical cladding panels.

Scheme 1

The original scheme utilised a different palette of materials, largely based on a modern, ribbed, composite cladding panel.

Other elements of the scheme are unchanged.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of housing use is acceptable;
- b) the form, design and materials are appropriate to the character and appearance of the conservation area;
- c) parking and road safety issues are addressed;
- d) neighbouring amenity is safeguarded;
- e) amenity of the proposed units is adequate;
- f) tree loss is acceptable;
- g) comments raised have been addressed; and
- h) the proposals raise any equalities or human rights issues.

a) Principle of Housing Use

The site lies in a housing and mixed use area identified as Urban Area in the Edinburgh City Local Plan. Housing use is supported as long as other policy requirements are met.

The existing office has been vacant for several years and has attracted no new users in the current market. Loss of the former office use is not protected by policy Emp 4 - Employment Sites and Premises, and is not opposed. This policy seeks to protect and provide for the city's stock of small industrial/business premises. The emerging Edinburgh Second Proposed Plan (policy Emp 9 - Employment Sites and Businesses) would not seek to protect office use on this site.

The development proposes the entire ground floor as Affordable Housing (six units). This provides 1 one bedroom unit and 5 two bedroom units, with five units also having a small front garden. This provision directly addresses Affordable Housing policy requirements on site. These units are also laid out to be suitable for disabled users. A legal agreement will secure the provision of this element.

Six units (23%) exceed the 91sqm stated in Edinburgh Design Guidance as the minimum size for "family units". This exceeds the 20% target. The mix of units is considered acceptable and meets policy Hou2 - Housing Mix.

Policy Hou1 - Housing Development encourages use of any site to meet overall housing targets as long as other policy requirements are met. Use of urban sites such as this for housing purposes fully meets policy requirements and addresses a net housing shortfall across the city as a whole, taking pressure off greenfield sites.

b) Effect Upon the Conservation Area

The Portobello Conservation Area Character Appraisal states that:

"There are few 20th century buildings on the north side of the High Street except a large office building and flats in the eastern section and shops and flats in the western section. All of these more recent additions are set back from the building line. Other than stone and painted stone a small number of buildings are in render and reconstituted stone".

The existing building is acknowledged as an anomaly in the existing streetscape, being alien in layout, form, design and materials. The applicant proposes adaption and alteration to its form and materials.

The addition of extra volume on the roof does not raise the building above its existing height, but does change the nature of the uppermost floor. Currently this floor holds only plant and lift over-runs, which are contained in a utilitarian, featureless upstand, at the east end of the building. The alteration improves the appearance of this existing top storey section and extends it westwards. Other four storey buildings exist in the immediate area. Taking the whole building rather than just part of the building to four storey unifies the building form as a whole.

The reduction in built volume to the rear will generally improve the environment on that side. The addition of a projection at the entrance adds visual interest to the form and will better relate to the overall building line of flanking buildings. The revised form is therefore acceptable in terms of streetscape and environment.

The materials, as amended, retain the overall tone of the existing structure, whilst improving overall quality. The addition of a natural stone bay to the front will act as a transition between the existing form and neighbouring materials, reducing the jarring effect of the current change. The materials must be viewed in the context of the existing materials, and are all an improvement upon those existing.

The changes of form of the building and of its materials are an improvement to the character and appearance of the conservation area. The proposal therefore complies with policy Env6 - Conservation Areas - Development.

c) Parking and Road Safety

The site provides full vehicle and cycle parking in accordance with policy requirements. Two of the spaces (one close to each rear access door) are specifically laid out for disabled users. The car park access point is unchanged and no new issues of road safety arise due to the change of use.

Transport has observed that cars currently park across the site access. This has arisen only since the vacancy of the building and loss of these spaces does not represent the loss of a legitimate parking space.

The proposal includes 100% secure internal cycle storage located at the base of each stairway.

The applicant has confirmed that he is willing to provide charging points for electric vehicles within the car park.

Works to the car park do not require planning permission if considered independently. Suggested conditions/informatives within the Transport consultation response, relating to the car park and access, are therefore not appropriate. The car park will remain private and so Traffic Regulation Orders are not applicable.

Parking and access are found acceptable.

d) Effect Upon Neighbouring Amenity

The distance from the rear to the southern boundary remains unchanged at 24m, giving good privacy to that side. To the front, facing the High Street, the existing building set-back gives a privacy distance of 30m to buildings opposite. The addition of a 1.5m deep bay at the entrance will still achieve good privacy. As the pattern of the building at its surroundings fit no strong surrounding urban pattern, the Edinburgh Design Guidance is not applicable.

Distances on Hope Lane are predetermined by the existing road width. These are unchanged from the existing structure. It is noted that the converted building opposite has few windows facing the lane. Here the Edinburgh Design Guidance supports the continuation of this built form on the lane.

In assessing daylight, the additional storey is set back from the building edge to a position such that overshadowing of adjacent sites is unaltered. On the east side of the building a large third floor upstand already exists. This is the sole portion where daylighting standards are not currently met, and as this section contains the existing stairs and lifts, which are not being relocated, this section continues to fail to meet daylight levels across Hope Lane. It is noted that the building on the opposite side of the lane (also a conversion) is equally non-compliant. This inter-relationship accords with the principles of the Edinburgh Design Guidance as it maintains a historic narrow lane with high buildings at its mouth.

Whilst there is additional height on the western gable, this falls within the "gable to gable" zone, and is not considered as a breach of guidance. Were the adjacent clinic on that side to be redeveloped the site offers a blank gable to build against.

The proposal causes no loss of amenity to neighbouring sites.

e) Amenity of the Proposed Units

All units are dual aspect and have adequate daylight.

Units range from 56sqm to 110sqm and all exceed minimum space requirements.

Rooftop units each have a private terrace (ranging from 18sqm to 50sqm). Ground floor units each have a small private garden (some having both front and rear space available). The sixteen units falling into neither of the former categories share a rooftop garden of around 60sqm.

This is supplemented by the existing landscape space along the front of the building of approximately 160sqm. A further 70sqm of landscape is created to the rear. These communal ground floor spaces largely serve as visual amenity rather than as "common greens". Net open space for the sixteen units not having private space totals around 300sqm, exceeding the 10sqm per unit required by policy Hou 3- Private Open Space.

The net open space (combining both communal and private areas) totals around 25% of the site area. Open space is considered adequate.

The site lies only 200m from Abercorn Park, 300m from Portobello Beach and only 50m from a large children's playground on Hope Lane.

The location is well-suited in terms of residential amenity. Overall residential amenity levels are considered to be acceptable.

f) Tree Loss

Two semi-mature trees are to be removed from the immediate entrance area. These are both sited less than 5m from the building and are already beginning to compromise building structure. Their loss is not opposed. All other trees along the frontage will remain. Additional planting is to be undertaken to the rear to relieve the currently stark car park.

Landscaping is considered acceptable.

g) Public Comments

12 representations were received including comments from Sheila Gilmore MP and the Portobello Amenity Society.

Material Objections

- Loss of office accommodation - addressed in section 3.3 a) of the Assessment;
- The proposal is visually too high - addressed in section 3.3 b) of the Assessment;
- The proposal causes loss of privacy and overshadowing - addressed in section 3.3 d) of the Assessment;
- The choice of cladding material is inappropriate - addressed in section 3.3 b) of the Assessment;
- The proposal will increase traffic on the lane - addressed in section 3.3 c) of the Assessment;
- Insufficient parking - addressed in section 3.3 c) of the Assessment; and
- No need for further housing - addressed in section 3.3 a) of the Assessment.

Non-material Objections

- Hope Lane is to be made one way - this is outwith the applicant's control and not relevant to the assessment; and
- Insufficient local infrastructure - this is not part of the assessment, but is not evident.

Community Council Comments

No comments received.

h) Equalities and Human Rights

The works raise no equalities or human rights issues.

Conclusion

The scale, form and design are largely derivative of the existing structure and the alterations are considered to have a net positive effect upon the character and appearance of the conservation area. Parking is adequate. Neighbouring amenity is unaffected in policy terms. The proposals comply with development plan policies and non-statutory guidelines and are acceptable. 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.
2. Three Sheffield style cycle stands to be provided at the main entrance for use by visitors.
3. A scheme of acoustic secondary glazing, for protecting all bedrooms and living rooms of the residential development against road traffic noise, should be designed in accordance with BS8233:2014 and implemented prior to occupation.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.
2. To address appropriate cycle parking provision.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. Prior to the issue of consent the applicant shall enter into a suitably worded legal agreement with the Council to ensure the delivery of affordable housing on the site.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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. 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.
5.
 - i) The proposed development access and parking area will not be subject to Road Construction Consent and will not be adopted for maintenance purposes by the Council.
 - ii) Any works affecting the existing carriageway/footway on Hope Lane North or Portobello High Street must be carried out in accordance with Development Roads Guidelines and Specification.
 - iii) All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009.
 - iv) All new residents shall be provided with a Travel Plan encouraging the use of public and sustainable transport.
 - v) Council records indicate that part of the proposed car park is Council owned (Housing). The applicant should ensure that they have the necessary permission and rights to carry out these works.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 16 January 2015.

Twelve representations were received including comments from Sheila Gilmore MP Portobello Amenity Society. All supported the principle of residential use and some supported the scale. Reasons for objection were:-

- Loss of office accommodation;
- The proposal is too high;
- The proposal causes loss of privacy and overshadowing;
- The choice of cladding material is inappropriate;
- The proposal will increase traffic on the lane
- Insufficient parking;
- Hope Lane is to be made one way;
- No need for further housing; and
- Insufficient local infrastructure.

Background reading/external references

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

**Statutory Development
Plan Provision**

The property lies in the Portobello Conservation Area as shown in the Edinburgh City Local Plan.

Date registered

23 December 2014

Drawing numbers/Scheme

1-3,4a,5,6a-8a,9,10a,11a,12-14,

Scheme 2

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Acting Head of Planning and Building Standards

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

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

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

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 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Other Relevant policy guidance

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials

Appendix 1

Application for Planning Permission 14/05322/FUL At 275 Portobello High Street, Edinburgh, EH15 2AQ Re-development and extension of redundant office building to create 26 flats with associated landscaping and parking (as amended)

Consultations

Environmental Assessment

The applicant proposes the change of use of an existing unused office building to create 26 flats at 275 Portobello High Street. The property is surrounded on all sides by other residential dwellings, other than to the west where a doctor's surgery is adjacent.

Environmental Assessment has few concerns with this proposed development, the only possible amenity impact being from road traffic noise from Portobello High St and the surgery car park adjacent to the west. Any noise from that car park is unlikely to be an issue however, as habitable room windows on the proposed flats do not overlook this location. An informative is recommended regarding road traffic noise from Portobello High St.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission and electric vehicles and also the extension of the network of EV charge points.

The City of Edinburgh Parking Standards for Development Management also encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves, this includes:

- Dedicated parking spaces with charging facilities.*
- Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

The applicant should consider the potential for installation of EV charging infrastructure as part of this proposal. It should be noted that support is available through the Energy Saving Trust's Sustainable Transport Advice Service and Interest Free Low Carbon Loans. An informative is recommended.

Contaminated land issues have been considered and found to be of no concern; therefore, Environmental Assessment has no objection to this proposed development.

Informatives:

- *Electric vehicle charge points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013).*
- *A scheme for protecting all bedrooms and living rooms of the residential development against road traffic noise should be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels:*

Bedrooms - 30dB LAeq, T and 45dB LAfmax

Living Rooms - 35 dB LAeq, D

T - Night-time 8 hours between 2300 - 0700

D - Daytime 16 hours between 0700 - 2300

Housing

1. Introduction

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

Services for Communities 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 set at 25% (of total units) for all proposals of 12 units or more.*
- *This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

2. Affordable Housing Requirement

This application is for a total of 26 residential homes and as such the AHP will apply. There will be a requirement for six (25%) homes of approved affordable tenures to be delivered on site.

The applicant has made the commitment to provide six affordable flats (25%) on-site and stated that the units will be incorporated into the development making them 'tenure blind'.

Following dialogue with this department the applicant contacted two Registered Social Landlords (RSLs) but the small number of affordable homes makes RSL delivery unlikely. The applicant has agreed to discuss the provision of affordable homes for low cost home ownership with this department. We welcome the applicant's commitment to the provision of 25% on-site affordable housing and further discussions with the applicant to achieve this.

3. Summary

It has been evidenced that the provision of affordable housing through an RSL is not possible on this site, but we welcome the applicant's willingness to engage further on providing affordable homes for low cost ownership on the site.

The applicant will be required to enter into a Section 75 legal agreement to ensure delivery of the affordable housing on this site. We would request that this be included in the informatives section of the report to committee.

We would be happy to answer any questions on the affordable housing element of the development.

Transport

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

1. *Consent should not be issued until the applicant has entered into a suitable legal agreement to:*
 - a. *The provision of a public and sustainable transport information pack, in order to help embed public transport habits and encourage modal shift;*
 - b. *Provide a financial contribution of £2,000 to progress the necessary order to control disabled parking places if required (see 8. below);*
 - c. *Submit a draft Travel Plan prior to first occupation and a final Travel Plan within 12 months of that date. The Travel Plan to include financial contribution to transport promotion measures, including contributions to, or provision of, public transport season tickets and the provision of a public and sustainable transport information pack. Reason - To encourage more sustainable travel modes in line with the Local Transport Strategy policy LU 3;*
2. *The proposed development access and parking area will not be subject to Road Construction Consent and will not be adopted for maintenance purposes by the Council;*
3. *Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle;*
4. *Any works affecting the existing carriageway/footway on Hope Lane North or Portobello High Street must be carried out in accordance with Development Roads Guidelines and Specification;*
5. *The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame;*
6. *The visitor cycle parking for the development should be located at convenient locations, near the main entrances;*
7. *The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of Head of Transport. This is to ensure there is no discharge of water onto the public road network;*
8. *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 Head of Transport 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. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport;

Note:

- The applicant should note that access from the car park to the western entrance to the building appears to be obstructed by parked vehicles. This should be addressed;*
- The applicant should ensure that the access road and associated car parking is large enough, and of a shape, to accommodate a turning area suitable for any vehicles which are likely to use it so that vehicles can enter and exit the site in a forward gear;*
- The existing bus stop on Portobello High Street adjacent to the proposed development is not to be relocated as part of this application;*
- The applicant should provide a swept-path diagram to demonstrate that a vehicle can enter and exit the development in forward gear, in the interests of road safety;*
- A total of 26 off-street parking spaces is being provided which meets Current Council parking standards for residential dwellings within this area (Zone 3). Transport considers that visitor parking is available on-street for this development;*
- Council records indicate that part of the proposed car park is Council owned (Housing). The applicant should ensure that they have the necessary permission and rights to carry out these works.*

Location Plan



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