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L Townsend
City of Edinburgh Council
Sent By E-mail

Our ref: NA-EDB-050
Planning Authority ref:20/01351/FUL

31 May 2022

Dear Ms Townsend

NOTICE OF INTENTION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS) (SCOTLAND) DIRECTION 2009 DEMOLITION OF EXISTING HOUSE AND ERECTION OF NEW RESIDENTIAL BUILDING TO FORM RESIDENTIAL APARTMENTS WITH ASSOCIATED CAR PARKING AND LANDSCAPING, 37 CORSTORPHINE ROAD, EDINBURGH, EH12 5QQ (‘the Proposed Development’).

1. This letter contains Scottish Ministers’ proposed decision on the above planning application submitted to The City of Edinburgh Council on behalf of the applicant 37 Corstorphine Road Ltd.
2. The application was called in for Scottish Ministers’ determination on 16 November 2020. The application was considered by means of written submissions and an unaccompanied site inspection. A copy of the reporter’s report (‘the report’) is enclosed at annex A.

Scottish Ministers’ Decision

3. Scottish Ministers have carefully considered all the evidence presented in the report. Scottish Ministers agree with the reporter’s overall conclusions and recommendations as set out in Chapter 5 of the report, and are minded to grant planning permission subject to an archaeology condition and conclusion of a planning obligation with regard to education and affordable housing provision.

Main Issues

4. The reporter has considered the proposal against relevant Edinburgh Local Development Plan policies for education provision, design, density amenity and open space, built heritage, landscape, parking, housing mix, housing affordability, and flooding. The reporter considers that the proposed development is in accordance with the development plan and that there are no material considerations on planning grounds that indicate the application should not be approved. Scottish Ministers agree with that conclusion.

Flood risk

5. The application was called in for determination by Scottish Ministers due to an objection from SEPA with regard to flood risk. Ministers note that SEPA still has concerns as to whether the relevant flood assessment reports in relation to the proposal are based on fully up to date and accurate studies regarding the adequacy of the current Water of Leith Flood Protection Scheme flood defences; and, whether these would be overtopped in the event of an extreme flood event.

6. Ministers note that the reporter considered SEPA's advice that a decision should be deferred until the council's commissioned Arup report on this matter has been published, however there is still no indication of when this will be completed. The reporter considers there is nothing, in the absence of the Arup report, sufficient to conclude that the present standard of flood protection is not adequate. The reporter notes that the current flood defences are part of a comprehensive scheme, and that in the event of a major flood Roseburn Park would effectively become a storage reservoir, reducing the impact of the water on the flood defence wall. Given that the current proposal meets the requirements set out by the previous appeal reporter and the conclusions of both the applicant's flood risk assessment and the council's flood officers in support of the development, Ministers accept the reporter's view that the current best evidence available demonstrates the sufficiency of the proposed mitigation in accordance with relevant LDP policy. Ministers accept that in the circumstances the balance of evidence lies in favour of granting planning permission.

Education contributions

7. Ministers agree with the reporter's findings that subject to a planning obligation to secure education delivery contributions (£2,240 per unit with appropriate index linking) that the proposal meets the terms of the relevant development plan policy.

Design

8. With regard to design, the reporter finds, and Ministers agree, that the proposal accords overall with the relevant local development plan policies.

Density, amenity and open space

9. With regard to density, amenity and open space, the Reporter agrees with the council and Ministers accept these views that overall the proposal accords with LDP policies related to these matters.

Built Heritage

10. With regard to heritage assets, Ministers note that there are a number of category C listed buildings in the locality, and that the application site is close to the Coltbridge and Wester Coates Conservation Area and the West Murrayfield Conservation Area. The reporter is content with the council's consideration that the proposal would not have a detrimental impact on the character or setting of heritage assets and that overall the proposals comply with the associated relevant requirements of the development plan. Ministers accept this view.

Landscape impact

11. Ministers note that the site is adjacent to a Local Nature Conservation Site as defined in the local development plan. The reporter considers the proposed development would have no adverse landscape impact and accords with policy. Ministers accept this view.

Parking

12. The reporter finds the car and cycle parking provision in accordance with development plan policy and Ministers accept this view.

Housing mix and affordability

13. The reporter also finds that the proposal's mix of two and three bedroom properties complies with policy; and is satisfied that the council's housing service accepts that payment of a commuted sum in lieu of onsite affordable housing can be justified for this application. Ministers concur. An agreement or planning obligation is required to be registered to secure affordable housing contributions before any planning permission is granted by Ministers.

Conclusions

14. Ministers agree with the reporter's findings that on the basis of all the available evidence the proposed development is in accordance with the development plan and that there are no material considerations that indicate the application should not be approved.

15. For the reasons set out in the reporter's report and as summarised in this letter, Scottish Ministers are minded to grant planning permission for the proposed development, subject to an archaeology condition, informatives as set out in the appendix; and, to conclusion of a planning obligation with regard to education and affordable housing provision as detailed in the reporter's report.

16. Accordingly, Scottish Ministers hereby defer their formal decision on the planning application, in the first instance for a period of 6 months, to enable the relevant obligation, or other suitable arrangement, to be completed and registered or recorded to Ministers' satisfaction.

17. A copy of this letter and the report has been sent to the City of Edinburgh Council and interested parties.

Yours sincerely

Elaine Ramsay

ELAINE RAMSAY

Appendix to Intentions notice

Condition

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.

Reasons:- to safeguard potential archaeological remains of importance.

Informatives

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. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

3. The applicant is advised that, as the development is located in the extended Controlled Parking Zone, occupiers will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013.

4. Requirements for the off-street parking are:

- a. Access to the car parking area is to be by dropped kerb (i.e. not bell mouth);
- b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
- c. Any gate or doors must open inwards onto the property;
- d. Any hard standing outside should be porous;
- e. Any works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits:

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

5. 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 it 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.