

# Notice of meeting and agenda

## Development Management Sub-Committee of the Planning Committee

**10:00am, Wednesday 26 September 2018**

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

### Contacts:

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## 1. Order of business

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- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 24 September 2018** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

## 2. Declaration of interests

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- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## 3. Minutes

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- 3.1 Minute of Development Management Sub-Committee of 29 June 2018 (circulated) – submitted for approval as a correct record
- 3.2 Minute of the Development Management Sub-Committee of 1 August 2018 (circulated) – submitted for approval as a correct record
- 3.3 Minute of the Development Management Sub-Committee of 15 August 2018 (circulated) – submitted for approval as a correct record
- 3.4 Minute of the Development Management Sub-Committee of 29 August 2018 (circulated) – submitted for approval as a correct record

## 4. General Applications, Miscellaneous Business and Pre-Application Reports

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**The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1**

## Applications

- 4.1(a) 24 Hugh Miller Place, Edinburgh, EH3 5JG – remove existing front elevation dormer and replace with new larger dormer and fit new dormer to the rear elevation (as amended) – application no 18/02448/FUL - report by the Chief Planning Officer (circulated)

It is recommended that a **MIXED DECISION** is **GRANTED** on this application.

- 4.1(b) 24 Hugh Miller Place, Edinburgh, EH3 5JG – remove existing front elevation dormer and replace with new larger dormer and fit new dormer to the rear elevation with associated internal alterations (as amended) - application no 18/02446/LBC - report by the Chief Planning Officer (circulated)

It is recommended that a **MIXED DECISION** is **GRANTED** on this application.

- 4.2 Jack Kane Community Centre, Jack Kane Sports Centre, Hunters Hall Public Park - construction of a new outdoor velodrome bmx track pump track and 3G pitches. Refurbishment of the Jack Kane Centre building. Demolition of derelict janitors' houses. Construction of new car parking and associated access routes and paths as well as improvements to existing car parking and paths (as amended) - application no 16/03107/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.3 128 Lower Granton Road, Edinburgh, EH5 1EX – proposed two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures - application no 18/04433/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.4 Old Dalkeith Road (at Land at Edmonstone Estate) – application to modify the existing legal agreement - application no 18/02853/OBL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **APPROVED**.

- 4.5 67 Prestonfield Avenue, Edinburgh, EH16 5EX - application for 9 No. two bedroom flats and associated car parking on vacant plot (as amended) - application no 17/04942/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.6 29 Sealcarr Street (at Land 71 Metres Southeast of) - application for Approval of Matters Specified in Conditions 18/01145/AMC Development of Health Hub (Class 2) and retail units (Class 1) (as amended) - application no 18/01145/AMC - report by the Chief Planning Officer (circulated)

It is recommended that this application be **APPROVED**.

## 5. Returning Applications

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**These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.**

- 5.1 None.

## 6. Applications for Hearing

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**The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.**

- 6.1 None.

## 7. Applications for Detailed Presentation

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**The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.**

- 7.1 14 Bonnington Road Lane, Edinburgh, EH6 5RB – application for planning permission in principle for residential development (up to 220 units) together with commercial space and associated works (including demolition of building) at the former John Lewis Depot, Bonnington – application no 17/05742/PPP – report by the Chief Planning Officer (circulated)

It is recommended that this application be **APPROVED**.

- 7.2 101 Edinburgh Park, Edinburgh, – application for Matters Specified in Condition 5 of planning permission 09/00430/FUL (amended) - application no 17/04341/AMC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **APPROVED**.

- 7.3 Lochside Way, Edinburgh (at Land adjacent to) - application for full planning permission for new and upgraded road and infrastructure works with associated landscaping (amended) – application no 17/04391/FUL-report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

## 8. Returning Applications Following Site Visit

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**These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.**

- 8.1 None.

## **Laurence Rockey**

Head of Strategy and Insight

### **Committee Members**

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Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Mowat, Osler and Staniforth.

### **Information about the Development Management Sub-Committee**

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The Development Management Sub-Committee consists of 11 Councillors and usually meets twice a month. The Sub-Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

### **Further information**

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A summary of the recommendations on each planning application is shown on the agenda. Please refer to the circulated reports by the Chief Planning Officer or other Chief Officers for full details. Online Services – planning applications can be viewed online by going to [view planning applications](#) – this includes letters of comments received.

The items shown in part 6 on this agenda are to be considered as a hearing. The list of organisations invited to speak at this meeting are detailed in the relevant Protocol Note. The Development Management Sub-Committee does not hear deputations.

The Sub-Committee will only make recommendations to the full Council on these applications as they are major applications which are significantly contrary to the Development Plan.

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4240, email [committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk).

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/meetings](http://www.edinburgh.gov.uk/meetings) .

### **Webcasting of Council Meetings**

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Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under the General Data Protection Regulation and Data Protection Act 2018. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services ([committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk)).

# Item 3.1 - Minutes

## Development Management Sub-Committee of the Planning Committee – Additional Meeting

9.00 am Wednesday 29 June 2018

### Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Gordon, Graczyk, Griffiths, Mitchell, Mowat, Frank Ross (substituting for Councillor Dixon) and Neil Ross (substituting for Councillor Hal Osler).

### 1. 139 London Road, Edinburgh – Application for Hearing

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The Sub-Committee had agreed to hold a hearing under the procedures set out in the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008 for consideration of the application for the proposed redevelopment of existing Sports Centre site to provide new Sports Centre facilities and redevelopment of surplus land for mixed uses including residential, student accommodation, hotel and commercial uses, together with car parking, landscaping, drainage and ancillary works at 139 London Road, Edinburgh, be dealt with by means of a hearing - application no 18/00154/PPP).

#### (a) Report by the Chief Planning Officer

The proposal was for planning permission in principle for new sports centre facilities and redevelopment of surplus land for mixed uses including residential, student accommodation, hotel and commercial uses, together with car parking, landscaping, drainage and ancillary works.

No details would be approved at this stage as the layout, scale and design would be matters for subsequent applications and would require to comply with the Edinburgh Local Development Plan (LDP) design policies and the Edinburgh Design Guidance. There were no issues raised with regards to flooding, drainage, or air quality, subject to mitigation. Subject to appropriate contributions being made, there were no issues with transport or education infrastructure. The provision of the affordable housing would be secured by a legal agreement (or memorandum of understanding, as appropriate).

The proposed land uses were acceptable in principle, subject to further community consultation regarding the quantum and location of the uses. Any loss of trees would be assessed in further applications, if permission was granted and would require to be justified in terms of LDP policies.

The proposals were therefore acceptable at this stage. There were no other material considerations that outweighed this conclusion.

There was no requirement to notify Scottish Ministers with regards to this proposal as the proposal was not a significant departure from the Local Development Plan.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(b) Presentation by Craigentenny and Meadowbank Community Council**

Nick Leech gave a presentation on behalf of Craigentenny and Meadowbank Community Council.

The Community Council's response was intended to be neutral because some members of the community and sporting organisations were happy for the stadium to be rebuilt. However, they had since identified areas which required further clarification, therefore, they could not fully support the application. It was recognised that there was a need for a new sporting facility to benefit both local residents and the people of Edinburgh and that the Council had attempted to consult some sporting organisations and local residents, but a more comprehensive consultation was required.

The two community councils had tried to rectify the lack of consultation by organising their own events to attract a wide range of people, setting out the issues. The community was nervous about the future of Meadowbank, which seemed to be in limbo. The Council needed to have more engagement and more transparency about any proposed modifications.

The presentation from the Chief Planning Officer had provided some clarity about the stage of the proposed development. The Community Council wanted to thank such groups as the "Save Meadowbank Campaign" for helping to raise awareness and provide clarity. The support from residents should encourage the Council to provide greater clarity of what the plan should be.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(c) Presentation by Northfield and Willowbrae Community Council**

John Peacock gave a presentation on behalf of Northfield and Willowbrae Community Council.

Mr Peacock stated that the Community Council objected to the proposed change of use for the Meadowbank site, indicating that there were three strong reasons why the proposal should be rejected - (1) The proposed new configuration of the site breached Edinburgh's planning policies, (2) There had been a lack of meaningful consultation on the proposals with the people affected by them, and (3) the proposed downgraded sports centre was unsatisfactory in size and scope.

Mr Peacock pointed out that the Sub-Committee might be told that such issues should simply be ignored. Consent could be granted in principle, and all the minor details



sorted out afterwards. However, this would be totally irresponsible. The answer was to pause the process until the problems were sorted out.

Meadowbank was covered by policy ENV18, in respect of open space. However, all of the criteria were violated in this case, in particular, (1) There would be a major impact on the local environment, (2) there was not over-provision of local open space, (3) there would not be a local benefit from "improvement" of the space and (4) The development was not for a community purpose. In respect of the consultation, it should be remembered that Meadowbank was a resource for all citizens of Edinburgh. The consultation was unsatisfactory as people would not have had time to absorb the mass of documents on the planning website.

In conclusion, Mr Peacock understood that the Council had to live in the real world and there was strong pressure to provide new housing. However, it was not necessary to sacrifice Meadowbank in order to meet this need. Meadowbank was a rare and precious open space that should be preserved for future inhabitants of the city. Granting even outline change of use would make its destruction inevitable.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(d) Presentation by Beverley Klein**

Ms Klein have a presentation to the Sub-Committee as an objector to the application and as a resident of Meadowbank.

Ms Klein understood that Councils had Local Plans for a reason, but this was not achieved by this proposal. The Plan was very clear in specifying that Meadowbank was Open Space. The Site History stated that the Proposal of Application was made in November 2016, which was the same month the plan was published although it did not mention this proposal.

Concerns were raised regarding changes to the character, height, the number of units, infrastructure and the impact on local services. There would be a significant departure from the plan and there was no guarantee that there would be a proper consultation. Additionally, there were plenty other options for housing, rather than Meadowbank. The proposals had largely failed to meet the criteria for ENV 18/19, provided for 50% of current parking, the quality of open space was of low amenity and this was not a community purpose. The Committee's decision to refuse the application for Pinkhill on the grounds of Des 4 was highlighted, which was similar to the Meadowbank proposal in terms of height.

Ms Klein thought that the Committee could help address the issues she had highlighted by starting from the beginning to get the right result for the community, rather than a rushed result. Therefore, she urged the Committee to refuse the application.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(e) Presentation by John Peacock on behalf of Linda Furley**

Mr Peacock provided a presentation on behalf of Linda Furley, a local resident. Mr Peacock advised that that the majority of the local community were strongly opposed to the change of use. These views were echoed by the wider Edinburgh community: 83% of responses were objections and a petition with over 3000 signatures was given to the Committee. They did not support a change of use based on alleged improvements to the local community, for many reasons: (1) Over-development of the local area and substantial loss of facilities and open space, (2) Loss of heritage, (3) Environmental impacts on wildlife, trees, greenspace and local residents, (4) Poor communication and consultation, and (5) Concerns over costing and funding.

The majority of the community did not support a change of use. These plans were very much not an improvement for the community. The Committee must reject the application until there was a site Masterplan that had been properly agreed by all parties, not forced through without proper consultation.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(f) Presentation by Sheila Hobbs on behalf of the Edinburgh Athletics Club**

Sheila Hobbs spoke on behalf of Edinburgh Athletics and outlined the work of the Edinburgh Athletics Club and the very positive sporting outcomes that had been achieved.

Since Meadowbank closed at the end of last year there were few suitable alternative facilities for the club to train and compete, which meant travelling to other venues. Meadowbank's closure would deprive many people within Edinburgh access to sport and exercise unless and until a replacement was built. Other sports clubs faced similar problems. Ms Hobbs fully supported the recommendations of the Chief Planning Officer to grant planning permission for the PPP and FUL applications because it was a brownfield site, its location was appropriate for high mixed density usage and would have a wider city region benefit. The planner had demonstrated the compliance with the development plan.

The proposal was fit for purpose and would give a sense of presence, would bring benefits to local residents and would allow the Council control over the site. The concerns of the local residents were recognised, such as changes to the local environment and intensifying development, but the benefits more than outweighed any negative impacts.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(g) Presentation by Councillor John McLellan, Ward Member**

Councillor John McLellan acknowledged that this had been a difficult process, however, he had had helpful discussions with officers. The detailed application for the stadium

and the outline application for the rest of the site were entirely separate in planning developmental terms. The Craigentiny and Duddingston Ward was a conglomeration of small communities, however, Meadowbank Stadium gave it a sense of identity. The stadium had been popular for a number of years, but the rest of the site had fallen into some disrepair. There had been much attention given to the loss of open space, but this had not existed for some time.

Emphasis was placed on the loss of opportunity to create something special for the use of the community. The community had made it clear that the proposed use of this site was not in its interests. There were already difficulties with parking and to add housing would only exacerbate the problem. There were already housing developments in the near vicinity which would add to housing density and granting planning permission in principle would add to this. There was a great alternative opportunity of turning the rest of the site into community parkland. The Fort Development was an excellent development with good public realm, but members of the public only went there for a specific purpose. This development could be somewhere for local residents go in all weathers, rather than just another development. It was necessary to establish how to create a better sense of community in this part of the city. If the Sub-Committee granted planning permission in principle today, this would not be the case, therefore, they should refuse it.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(h) Presentation by Councillor Iain Campbell, Ward Member**

Councillor Iain Campbell advised that he had been involved in the closing of Meadowbank in December. It was difficult finding accommodation for all of the sports clubs, many of whom were now in temporary accommodation. However, he was appalled at the condition of Meadowbank, the old stadium had outlived its purpose and there were also safety issues. Therefore, something had to be done by the Council. The proposed new stadium was a much improved facility which would be family friendly and would serve the community. Some of the open space was used to reduce car parking, but it was Council policy to reduce car parking. The new Veleldrome would be an improvement and more people would be able to use it. By having a full public consultation, it would be possible to restore public confidence in the proposals. There should be open space provided and at present, the area was not serving the local residents. It was not possible to fund the present proposals without selling some of the land and other land would be used for low-cost housing. The sale of this land would provide a better facility than there was at present, which would serve the community and the city.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(I) Presentation by Applicant – Elaine Scott (City of Edinburgh Council)**

Elaine Scott, Housing Services Manager at the City of Edinburgh Council with responsibility for taking forward the delivery of the Council's housing strategy and Jude Barber from Collective Architecture presented to the Sub-Committee.

In terms of background to the development of the site, in 2008 the Council agreed that the existing facilities at Meadowbank were not suitable for the long term and agreed to build a new sports centre. In March 2016, the Council agreed the strategy for the redevelopment, including a commitment to provide a new sports centre and associated facilities and the release of the surplus site for development. Rather than dispose of sites to the highest bidder, the Council agreed that the sites identified for housing development could transfer to the Housing Service for Council led housing development through the 21st Century Homes programme. This programme had already successfully delivered new affordable homes in Gracemount, Pennywell, Greendykes and most recently at Leith Fort.

Development of affordable housing at Meadowbank would support key Council objectives as set out in the Council's business plan for the next 5 years, including delivery of new social and affordable homes to help meet the target of 20,000 new affordable homes in the next 10 years. It would also support the delivery of better health and social care outcomes; through provision of accessible housing; including homes that will be suitable for wheelchair users.

During 2016, a housing capacity study and other technical studies were carried out to assess development potential of the surplus sites. Community consultation took place over a three month period and included an on-line consultation portal, two drop-in events and a presentation to Craigentiny/ Meadowbank community council in January 2017. Additionally, in February 2018 the Council was invited to two meetings organised by the local Community Councils to answer questions on the proposals. These meetings and recent meetings with Save Meadowbank campaign had proved invaluable in helping to understand the concerns of local stakeholders.

As the consultation progressed and the application for outline planning consent was submitted it became apparent that the statutory consultation process that had been followed for the PPP application had fallen short of what was needed to allow meaningful comment and engagement on the mixed use proposals.

The masterplan application had attracted a lot of comments and objections and had been criticised for being confusing and unclear, creating concern and upset. This was unintentional and regrettable and they were now looking to address those concerns. Approval was not sought of a masterplan for the site today, only approval of the principle of mixed use development with details on housing numbers, heights, massing, layout to be agreed as part of subsequent applications and following extensive community consultation.

Jude Barber outlined the approach of Collective Architecture to design and development, detailing their background, their ethos and shared set of values within the practice, such as participation and communication. Communication was at the heart of the practice with an obligation to consult with the community. The consultation process would run through the whole development journey. They were looking to create a high quality mixed tenure housing development which should enhance such aspects as open space and active travel links. Various examples were given of projects that Collective Architecture had been involved in.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

## Decision

To **GRANT** planning permission in principle subject to:

- 1) Conditions, informatives and a legal agreement or memorandum of understanding as detailed in section 3 of the report by the Chief Planning Officer.
- 2) The addition to condition one that the Masterplan should include evidence that it has been prepared:
  - (a) With substantive consultation from the local community and the relevant stakeholders.
  - (b) With the input from a working group comprising of representatives from the local community and other relevant stakeholders and chaired by a local ward Councillor or alternative party, as agreed by the Planning Authority.
- 3) To note that Committee had requested the removal of the following text on page 19 of the report by the Chief Planning Officer in relation to Education Infrastructure: “The assessment is based on: West of site (Drummond Education Contribution Zone) – 134 Flats. East of site (Sub-Area LT-1 of the Leith Trintiy Education Contribution Zone) – 313 Flats and five houses.”

(Reference – report by the Chief Planning Officer, submitted)

## 3. 139 London Road, Edinburgh – Application for Hearing

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The Sub-Committee had agreed to hold a hearing under the procedures set out in the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008 for consideration of the application for the proposed redevelopment of Meadowbank Sports Centre. The detailed proposals included the development of a new sports centre facility, including a new sports centre building with offices for Edinburgh Leisure, the retained athletics track, new spectator stand, sports pitches and floodlighting, with associated access, roads, car parking, landscaping and ancillary works at 139 London Road, Edinburgh be dealt with by means of a hearing – application no 18/00181/FUL.

**(a) Report by the Chief Planning Officer**

The proposal was for a sports centre on the site of the existing stadium. In policy and land use terms, this was acceptable. The existing buildings and grandstand were no longer fit for purpose, and so the new sports centre would provide modern facilities. The design of the building was simple but contemporary and appropriate in its context. The design compromises were outweighed by the fact that the proposal would provide modern sporting facilities for the wider community. The loss of the trees was not justifiable for arboricultural reasons, however the new landscaping provided suitable and robust replacement planting.

There was no requirement to notify Scottish Ministers with regards to this proposal. This was due to the fact that the proposal was not a significant departure from the Development Plan.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(b) Presentation by Craigentiny and Meadowbank Community Council**

Andrew Fournet and Nick Leech gave a presentation on behalf of Craigentiny and Meadowbank Community Council. Andrew Fournet thanked the Committee for giving them the opportunity to present their views.

While they recognized that Council had made some efforts to consult on the stadium, reaching out to sporting organisations and some local residents, they felt that the Council should have carried out a better and more continuous consultation with local residents and residents across the whole of Edinburgh as this facility was a city-wide asset.

The Community Council had attempted to bridge the gap of the lack of consultation by organising their own events in collaboration with their neighbours from the Northfield and Willowbrae Community Council. During the sessions they asked members of the community to write down the issues they could see with the development and they reproduced all these comments into a letter that was sent back to the Council.

The community was now very nervous about the future of the Meadowbank stadium. They would like to have clearer information about the next steps from the Council about any improvements or modifications which would be added to the planning application. The involvement of groups such as the "Save Meadowbank" campaign helped raise awareness and reach more people in the community. They thanked the campaign for raising awareness and trying to provide more clarity on this very large planning application, and the support which the campaign had received from various residents, which should encourage the Council to increase its efforts to reach out and explain the plans better.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(c) Presentation by David Baxter**

David Baxter spoke to the Sub-Committee as an objector to the application on four grounds: it contravened policy on the loss of open space, the change of land use, a reduction in facilities of over 40%, and the consultation was inadequate. Mr Baxter felt that the application should be referred to the Scottish Ministers. Many sports had been inconvenienced by the proposal and would not meet the needs of Scotland's Capital City. The Committee should refer the application to the Scottish Ministers or reject it completely.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(d) Presentation by Vanessa Fuertes**

Vanessa Fuertes addressed the Sub-Committee as an objector to the application, and advised that she had been involved in the original "Save Meadowbank" Campaign 11 years ago, but things had changed since then. The Council's plans then provided for more sports facilities, however, the land to be sold for the redevelopment had increased since then.

Proposals by the Council now tended to be driven by cost concerns and conservative solutions, but elected members should have a vision for the city. There were examples of good practice to be considered. They wanted a new sports centre soon, but speed should not override quality. There was a failure to consult adequately, but even this consultation demonstrated that most residents objected to the proposals. The Council should think of how this would be in the long term. The decision the Sub-Committee took today could have a damaging effect on sport in Scotland and upon health and wellbeing.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(e) Presentation by Simone Melanie Clark**

Ms Clark presented to the Committee as an objector to the application due to the loss of trees, which she viewed as a valuable part of her neighbourhood. The "Save Meadowbank Trees" campaign had handed in a petition requesting that the Council protected the trees around Meadowbank. It had been proposed that 150 trees were to be felled at the site. The majority of these mature trees were found to be in healthy condition and included trees of a rare species. The campaign group asked that these trees were not removed and that access to the site did not require the trees to be removed. In other countries, trees were protected during development work. Replacement planting of new young trees would take 20 years or more. Mature trees provided habitat for wildlife such as nesting birds, however, trees and spaces for wildlife were being constantly reduced in Edinburgh, which had an adverse effect on wildlife. It was appreciated that some tree loss was necessary, but 97% was excessive. Retention

of trees for new developments provided a sense of maturity and the excessive removal of trees for development was contrary to Local Development Plan (LDP) Policy. The Save Meadowbank Trees Campaign asked that the main stand of trees on London Road be preserved. These trees were intrinsic to the local area and were highly valued.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(f) Presentation from Mark Munro**

Mr Munro spoke on behalf of the governing body for sport in Scotland and on behalf of the clubs in Edinburgh and Athletics Scotland. Meadowbank was an iconic venue for athletics in Scotland, but it had fallen behind the times. So for athletics events and for training purposes it was essential that the proposals went ahead. The facilities would be an enhancement. The original plans were not fit for purpose, but the new proposals were modern and fit for purpose.

Some of the present facilities were not safe, and it was acknowledged that there was a lot of nostalgia for Meadowbank. Scotland would continue to host certain events, but in the near future would not have the opportunity to host certain events.

Meadowbank had a successful track history, but there was a huge risk that if Meadowbank was not developed properly, then there would be a reduction in the number of athletes being created in the city. Additionally, the physical and mental well-being of sports users in general should be catered for. There were a large number of coaches who might not continue. If there was no Meadowbank, then there was no regional centre for sport. There was also the huge risk of delay which was already having a negative impact on sport. Mr Munro fully endorsed the plans to ensure that athletics would continue to flourish.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(g) Edinburgh City Football Club**

James Lumsden addressed the Committee on behalf of Edinburgh City Football Club. He indicated that Edinburgh City FC first moved to Meadowbank Stadium in January 1996, with one adult team. In 32 years the club had progressed to the Scottish Professional Football League. They now had over 30 teams from kids right up to adults, including Sunday amateur teams. Their tenancy of Meadowbank was central to them achieving this, providing the Scottish FA membership which made everything else possible.

The new plans for Meadowbank restricted their ability to grow their senior team. The spectator capacity would cause problems if they were to achieve promotion, the seating arrangements would cause very poor viewing, access to the pitch was also unsatisfactory and the SPFL would have to view the stadium to make stipulations, but had not been consulted.



In conclusion, Mr Lumsden was disappointed that in proposing to spend over £40 million on a new sports centre, every current user of Meadowbank would have poorer facilities than they had had before, and felt that the new plans risked the short and long-term viability as an ambitious SPFL club.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

**(h) Presentation by Applicant and Applicant's Agent**

Crawford McGhie (City of Edinburgh Council), Graham Groucher (City of Edinburgh Council), Gareth Yule (Holmes Miller Architects), Joanna Walker (Associate LDA Design) and Jo Matheson (Edinburgh Leisure) gave a presentation to the Sub-Committee.

Crawford McGhie, Acting Head of Operational Support for Communities and Families was the lead council officer for delivery of the Sports Centre Capital Project and provided a brief summary of the wider context for the project.

The existing Meadowbank was no longer fit for purpose. It had been a Council ambition to replace the sports facilities at Meadowbank for at least a decade and this covered the period of three administrations, and the current administration was committed to deliver new facilities at Meadowbank by 2021. Mr McGhie appreciated that it was not a planning issue but the financial strategy for the new sports centre that relied on capital receipts from the proposed mixed-use development and therefore securing planning permission would be a big milestone for Meadowbank.

Graham Croucher from the Council's Sports and Outdoor Learning Team advised that since 2016 his role was to lead on the consultation engagement with key stakeholders on the development of a sports centre design for Meadowbank, and described the various stages of consultation to the Sub-Committee.

Gareth Yule outlined the architectural design proposals. A key factor of the design was the decision to retain the existing running track. The track had an important link to Meadowbank's past and its retention would maintain this link to historic events, such as the Commonwealth Games held in 1970 and 1986 and to the many historic moments in the history of Scottish Athletics.

The main elements of the design were shown, and the existing running track was retained in its current position, the new sports centre was located parallel to the track and there was an additional 3G pitch and a separate outdoor throws area. The plan of the building was a parallelogram with a diagonal gable ends picking up the diagonal over the existing stadium as shown in the plan from 1968.

Joan Walker, landscape architect from LDA design advised that when developing the design for the Plaza, the focus was on the following objectives: to improve local amenity, by creating a useable active outdoor public space to develop an overall tree strategy which retained and enhanced the existing mature Wheatley Elms where possible and provided a robust replacement strategy to offset any loss and to improve visual amenity and townscape by strengthening the frontage along London Road and to create a

welcoming arrival space which announced the entrance to the sports centre while celebrating the sporting history of the site.

The importance and significance of the mature Wheatley Elms was recognised and they had worked hard to develop a tree strategy, to retain as many as possible and also offer a robust replacement strategy, to mitigate for any loss. Planting densities and ground conditions around many of the existing Elms would be retained. Being retained would give more space to celebrate the Elms as feature trees and allow the trees to develop in a less constrained environment. The proposals had been carefully considered to ensure there was no change in soil level within root protection zones and to minimise any adverse impact on the Mature Elm Trees.

Joe Matheson, Head of Property Estates in Edinburgh Leisure had been involved in the redevelopment of Meadowbank since 2013, both in her current role and in her previous position of Manager of Meadowbank Sports Centre and Stadium. Meadowbank was a busy and well-loved venue. Even in their final year of operation there was 550,000 visitors coming through the building and those were just the people that they managed to record.

Edinburgh Leisure had been delighted to work with the Council on the project to create a Meadowbank that could build on the legacy of the old. They were delighted at the prospect of a new state of the art venue than met the physical activity and sporting needs of Edinburgh citizens and wanted to be at the discussions from the beginning. When considering the facility mix at the New Meadowbank they wanted to future-proof the venue. Edinburgh Leisure would be very proud at the prospect of operating the new facility.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293971](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971)

## Decision

### Motion

To **GRANT** planning permission subject to conditions, informatives and a legal agreement or memorandum of understanding as detailed in section 3 of the report by the Chief Planning Officer and subject also to the following additional informatives:

- (a) consideration be given to the provision of additional cycle parking over and above that which was currently proposed.
- (b) the applicant should take cognisance of cycle routes in the wider Master Plan and make changes to this proposal if necessary.
- (c) The applicant should work with Edinburgh City Football Club to explore the potential to increase spectator capacity.

- moved by Councillor Gardiner, seconded by Councillor Child.

## **Amendment**

To refuse planning permission as the proposal would be contrary to Local Plan Policy ENV 12 (Trees) and ENV 19 (Facilities).

- moved by Councillor Booth, seconded by Councillor Neil Ross.

## **Voting**

For the motion - 6 votes

For the amendment - 2 votes

For the motion - Councillors Gardiner, Child, Gordon, Graczyk, Griffiths and Mowat.

For the amendment - Councillors Booth and Neil Ross.

## **Decision**

To **GRANT** planning permission subject to conditions, informatives and a legal agreement or memorandum of understanding as detailed in section 3 of the report by the Chief Planning Officer and subject also to the following additional informatives:

- (a) consideration be given to the provision of additional cycle parking over and above that which was currently proposed.
- (b) the applicant should take cognisance of cycle routes in the wider Master Plan and make changes to this proposal if necessary.
- (c) The applicant should work with Edinburgh City Football Club to explore the potential to increase spectator capacity.

(Reference – report by the Chief Planning Officer, submitted.)

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><a href="#"><u>Item 6.1(a) – 139 London Road, Edinburgh</u></a></p>	<p>Protocol Note by the Head of Strategy and Insight</p>	<p>Noted.</p>
<p><a href="#"><u>Item 6.1(b) – 139 London Road, Edinburgh</u></a></p>	<p>Proposed redevelopment of existing Sports Centre site to provide new Sports Centre facilities and redevelopment of surplus land for mixed uses including residential, student accommodation, hotel and commercial uses, together with car parking, landscaping, drainage and ancillary works – application no 18/00154/PPP</p>	<p>To <b>GRANT</b> planning permission in principle subject to:</p> <ol style="list-style-type: none"> <li>1. Conditions, informatives and a legal agreement or memorandum of understanding as detailed in section 3 of the report by the Chief Planning Officer.</li> <li>2. The addition to condition one that the Masterplan should include the following details: <ul style="list-style-type: none"> <li>Evidence that it had been prepared: <ol style="list-style-type: none"> <li>(a) With substantive consultation from the local community and the relevant stakeholders.</li> <li>(b) With the input from a working group comprising of representatives from the local community and other relevant stakeholders and chaired by a local ward Councillor or alternative party, as agreed by the Planning Authority.</li> </ol> </li> </ul> </li> </ol>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		<p>Note – Committee requested the removal of the following text on page 19 of the report in relation to Education Infrastructure: “The assessment is based on: West of site (Drummond Education Contribution Zone) – 134 Flats. East of site (Sub-Area LT-1 of the Leith Trinity Education Contribution Zone) – 313 Flats and five houses.”</p>
<p><a href="#"><u>Item 6.2(a) – 139 London Road, Edinburgh</u></a></p>	<p>Protocol Note by the Head of Strategy and Insight</p>	<p>Noted.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#"><u>Item 6.2(b) – 139</u></a>  <a href="#"><u>London Road,</u></a>  <a href="#"><u>Edinburgh</u></a></p>	<p>Redevelopment of Meadowbank Sports Centre. The detailed proposals include the development of a new sports centre facility, including a new sports centre building with offices for Edinburgh Leisure, the retained athletics track, new spectator stand, sports pitches and floodlighting, with associated access, roads, car parking, landscaping and ancillary works – application no 18/00181/FUL</p>	<p>To <b>GRANT</b> planning permission subject to:</p> <ol style="list-style-type: none"> <li>1. Conditions, informatives and a legal agreement or memorandum of understanding as detailed in section 3 of the report by the Chief Planning Officer.</li> <li>2. Additional informatives that: <ol style="list-style-type: none"> <li>(a) Consideration is given to the provision of additional cycle parking over and above that which is currently proposed.</li> <li>(b) The applicant should take cognisance of cycle routes in the wider Master Plan and make changes to this proposal if necessary.</li> <li>(c) The applicant should work with Edinburgh City Football Club to explore the potential to increase spectator capacity.</li> </ol> </li> </ol> <p>(On a division.)</p>

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 1 August 2018

### Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Councillor Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Mowat, Osler and Staniforth.

### 1. Minutes

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#### Decision

- 1) To approve the minute of meeting of the Development Management Sub-Committee of 23 May 2018 as a correct record.
- 2) To approve the minute of meeting of the Development Management Sub-Committee of 20 June 2018 as a correct record.

### 2. General Applications and Miscellaneous Business

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The Sub-Committee considered reports on planning applications listed in Sections 4 and 7 of the agenda for the meeting.

#### Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.1 – Bonnington Mains Quarry, Cliftonhall Road, Newbridge as requested by Councillors Booth and Staniforth.

The Chief Planning Officer gave a presentation on agenda item 4.4 - 3 Inverleith Place Lane, Edinburgh as requested by Councillors Mitchell and Osler.

The Chief Planning Officer gave a presentation on agenda item 4.6(a) and b) - 46 Park Road, Edinburgh as requested by Councillor Booth.

#### Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

### 3. 35 Lanark Road, Edinburgh

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Details were provided of proposals for the demolition of existing buildings and erection of purpose-built student accommodation including change of use and all associated works (as amended) at 35 Lanark Road, Edinburgh – application no 16/06275/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

#### **Motion**

To grant planning permission subject to the conditions, reason and informatioves detailed in Section 3 of the report by the Chief Planning Officer and the folliwng additional conditions and informative:

Additional Conditions:

- 1) Prior to the commencement of development the proposed materials should be submitted to and approved in writing by the Chief Planning Officer.
- 2) Prior to the commencement of development details of flood resistant materials for the bike store should be submitted to and approved in writing by the Chief Planning Officer.

Additional Informative:

To have electric charging points.

- moved by Councillor Gardiner, seconded by Councillor Child.

#### **Amendment**

To refuse planning permission for the reason that the proposal was contrary to the LDP Planning ENV 10 (Development in the Green Belt and Countryside)

- moved by Councillor Staniforth, seconded by Councillor Booth.

#### **Voting**

For the motion - 9 votes

(Councillors Child, Dixon, Gardiner, Gordon, Griffiths, McLellan, Mitchell, Mowat and Osler)

For the amendment - 2 votes

(Councillors Booth and Staniforth.)

#### **Decision**

To grant planning permission subject to the conditions, reason and informatioves detailed in Section 3 of the report by the Chief Planning Officer and the folliwng additional conditions and informative:

Additional Conditions:

- 1) Prior to the commencement of development the proposed materials should be submitted to and approved in writing by the Chief Planning Officer.
- 2) Prior to the commencement of development details of flood resistant materials for the bike store should be submitted to and approved in writing by the Chief Planning Officer.



Additional Informative:

To have electric charging points.

(Reference – report by the Chief Planning Officer, submitted)

#### **4. 3 Inverleith Place Lane, Edinburgh**

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Details were provided of proposals for the addition of roof terrace to existing flat room with frameless glass balustrade and privacy screen to rear elevation. Proposed introduction of new internal link stair suspended over existing staircase at first floor level at 3 Inverleith Place Lane, Edinburgh – application no 18/01271/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

##### **Motion**

To grant planning permission subject to informatives as detailed in the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor Child.

##### **Amendment**

To refuse planning permission for the reasons that the proposal was contrary to the LDP Planning Policy ENV 6 (Conservation area - Development).

- moved by Councillor Osler, seconded by Councillor Mitchell.

##### **Voting**

For the motion - 9 votes

(Councillors Booth, Child, Dixon, Gardiner, Gordon, Griffiths, McLellan, Mowat and Staniforth)

For the amendment - 2 votes

(Councillors Mitchell and Osler.)

##### **Decision**

To grant planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer.

(Reference – report by the Chief Planning Officer, submitted)

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><a href="#"><u>Item 4.1</u></a> <a href="#"><u>Bonnington Mains Quarry, Newbridge</u></a></p>	<p>Section 42 application for proposed variation to conditions 5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4 September 1990) to amend noise and vibration limits, postpone submission of final restoration plan and clarify period for completion of all mineral operations to 31 December 2050 - application no 17/05930/FUL</p>	<p>1) To <b>CONTINUE</b> consideration of the planning application to allow a restoration plan to be formulated and for confirmation to be given on whether a bond agreement could be achieved.</p> <p>2) To agree that the planning application would be brought back to the Development Management Sub-Committee within 4 months.</p>
<p><a href="#"><u>Item 4.2</u></a> <a href="#"><u>34 Canaan Lane, Edinburgh</u></a></p>	<p>Creation of a door opening on the rear boundary wall to Jordan Lane - application no 18/01609/FUL</p>	<p>To <b>GRANT</b> planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#"><u>Item 4.3</u></a> <a href="#"><u>16 Cumberland Street South East Lane</u></a></p>	<p>Erection of a new dwelling house on vacant plot (as amended) - application no 18/01091/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the reasons, informatives and conditions as detailed in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#"><u>Item 4.4</u></a> <a href="#"><u>3 Inverleith Place Lane, Edinburgh</u></a></p>	<p>Addition of roof terrace to existing flat room with frameless glass balustrade and privacy screen to rear elevation. Proposed introduction of new internal link stair suspended over existing staircase at first floor level - application no 18/01271/FUL</p>	<p>To <b>GRANT</b> planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer.</p> <p>(on a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#">Item 4.5</a> <a href="#">8A Milton Road</a> <a href="#">West, Edinburgh</a>	Redevelopment of site to create a mixed-use development comprising of a smaller food retail unit and 11 no new build flats and installation of a new shopfront - application no 18/00454/FUL	To <b>GRANT</b> planning permission subject to reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer.
<a href="#">Item 4.6(a)</a> <a href="#">46 Park Road,</a> <a href="#">Edinburgh</a>	Proposed alterations, extension and new works to existing building to create 4 residential dwellings (as amended) - application no 18/01355/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer and the following additional informatives: <ol style="list-style-type: none"> <li>1. Provision for external cycle storage.</li> <li>2. Provision of cabling for electric car charging points.</li> </ol> Cllr Booth requested that his dissent be recorded.
<a href="#">Item 4.6(b)</a> <a href="#">46 Park Road,</a> <a href="#">Edinburgh</a>	Alterations and extensions to original villa and alternations to entrance gate - application no 18/01357/LBC	To <b>GRANT</b> listed building consent subject to the informatives detailed in section 3 of the report by the Chief Planning Officer.
<a href="#">Item 4.7</a> <a href="#">Sir Harry Lauder</a> <a href="#">Road (at advertising</a> <a href="#">station 2), Edinburgh</a>	Display of double sided internally illuminated digital advertisement hoarding - application no 18/01230/ADV	To <b>GRANT</b> advertisement consent subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
<a href="#">Item 4.8</a> <a href="#">Waverley Bridge,</a> <a href="#">Edinburgh</a>	Application for advert consent at bus shelters, Waverley Bridge, Edinburgh new shelter location comprising of double side LCF unit - application no 18/01666/ADV	To <b>REFUSE</b> advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#">Item 4.9</a> <a href="#">Waverley Bridge,</a> <a href="#">Edinburgh</a>	Application for advert consent at bus shelters, Waverley Bridge, Edinburgh new shelter location comprising of double side LCF unit - application no - 18/01667/ADV	To <b>REFUSE</b> advertisement consent for the reasons detailed in section 3 of the report by the Chief Planning Officer.
<a href="#">Item 4.10</a> <a href="#">Westfield Road,</a> <a href="#">Edinburgh</a>	Application for advert consent at advertising station, internally illuminated digital display - application no 18/01638/ADV	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
<a href="#">Item 7.1 – 35 Lanark Road, Edinburgh</a>	35 Lanark Road, Edinburgh - Demolition of existing buildings and erection of purpose build student accommodation including change of use and all associated works (as amended) - application no 16/06275/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer and the following additional conditions: <ol style="list-style-type: none"> <li>1. Prior to the commencement of development the proposed materials shall be submitted to and approved in writing by the Chief Planning Officer.</li> <li>2. Prior to the commencement of development details of flood resistant materials for the bike store shall be submitted to and approved in writing by the Chief Planning Officer.</li> </ol> Additional Informative: To have electric charging points. (on a division)
<a href="#">Item 7.2 – 189 Morrison Street, Edinburgh</a>	189 Morrison Street, Edinburgh, - Amendment to 10/02373/FUL to enable changes to buildings H1, H2, H3, H4 & H5 (as amended). application no - 18/00715/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons, legal agreement and informatives detailed in section 3 of the report by the Chief Planning Officer.

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 15 August 2018

### Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Councillor Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Osler and Staniforth.

### 1. General Applications and Miscellaneous Business

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The Sub-Committee considered reports on planning applications listed in Section 4 and 7 of the agenda for the meeting.

#### Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.1 – 20 The Wisp (At Land 90 Metres West of) as requested by Councillors Gardiner and Staniforth.

The Chief Planning Officer gave a presentation on agenda item 4.3 - 3 24 Dalmeny Street, Edinburgh, EH6 8RG as requested by Councillor Staniforth.

#### Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

#### Dissent

Councillor Gardiner requested that his dissent be recorded in respect of the decision on item 7.3 – 18 – 20 Kings Stables Road

## 2. 24 Dalmeny Street, Edinburgh

---

Details were provided of proposals for the Change of use for Ukrainian Church yard to be used as a street food and drinks market featuring art, crafts and music (retrospective) at 24 Dalmeny Street, Edinburgh, EH6 8RG – application no 18/01271/FUL

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be refused.

### **Motion**

To refuse planning permission subject to the reasons as detailed in section 3 of the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor Mitchell.

### **Amendment**

To grant planning permission on the grounds of the benefits to the local community.

- moved by Councillor Staniforth, seconded by Councillor Gordon.

### **Voting**

For the motion: 8 votes

(Councillors Booth, Child, Dixon, Gardiner, Griffiths, McLellan, Mitchell and Osler)

For the amendment: 2 votes

(Councillors Staniforth and Gordon.)

### **Decision**

To refuse planning permission subject to the reasons as detailed in section 3 of the report by the Chief Planning Officer.

(Reference – report by the Chief Planning Officer, submitted)

## 3. 4A Oxfangs Green, Edinburgh

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Details were provided of proposals for the Development of 85 affordable dwellings (79 flats and 6 houses) with all other associated infrastructure, roads, parking, public realm and landscape areas At Site 72 Metres South Of 4A Oxfangs Green, Edinburgh– application no 18/01055/FUL

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

### **Motion**

To grant planning permission subject to the conditions, reasons and informatives as detailed in the report by the Chief Planning Officer and an additional condition to provide further details on landscaping, specifically on lighting, pedestrian paths and cycle paths.

- moved by Councillor Gardiner, seconded by Councillor Child.

### **Amendment**

To continue consideration of the matter for a site visit

- moved by Councillor Booth, seconded by Councillor Staniforth.

### **Voting**

For the motion: 8 votes

(Councillors Child, Dixon, Gardiner, Gordon, Griffiths, McLellan, Mitchell and Osler)

For the amendment: 2 votes

(Councillors Booth and Staniforth.)

### **Decision**

To grant planning permission subject to the conditions, reasons and informatives as detailed in the report by the Chief Planning Officer and an additional condition to provide further details on landscaping, specifically on lighting, pedestrian paths and cycle paths.

(Reference – report by the Chief Planning Officer, submitted)

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><a href="#"><u>Item 4.1 – 20 The Wisp (At Land 90 metres West of) Edinburgh</u></a></p>	<p>Item 4.1 At Land 90 Metres West Of 20, The Wisp, Edinburgh Residential development of approximately 150 flatted dwellings, landscaping, and associated ancillary 18/03389/PAN</p>	<p>1) To note the key issues at this stage.            2) To consider the following issues:</p> <ul style="list-style-type: none"> <li>• Loss of tree belt and open space to the north, including the impact on wildlife and the environment.</li> <li>• Connectivity to the wider area for pedestrians and cyclists.</li> <li>• Accessibility to public transport routes and service provision.</li> </ul>
<p><a href="#"><u>Item 4.2 – Baileyfield Crescent, Edinburgh</u></a></p>	<p>Stopping up order – Baileyfield Crescent, Edinburgh PO/12/03</p>	<p><b>To pass to the Scottish Ministers to hold a Public Inquiry.</b></p>
<p><a href="#"><u>Item 4.3 – 24 Dalmeny Street, Edinburgh</u></a></p>	<p>Change of use for Ukrainian Church yard to be used as a street food and drinks market featuring art, crafts and music (retrospective) - application no 17/05943/FUL</p>	<p>To <b>REFUSE</b> planning permission subject to the reasons as detailed in section 3 of the report by the Chief Planning Officer.  (on a division).</p>
<p><a href="#"><u>Item 4.4 – 2 Old Kirk Road, Edinburgh (At Garage 8 Metres West Of)</u></a></p>	<p>Demolition of an existing lock-up storage unit and construction of a two bedroom house (as amended) - application no 18/00984/FUL</p>	<p>To <b>GRANT</b> planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer.</p>



Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#"><u>Item 4.5 –24 Rankeillor Street, Edinburgh</u></a>	Internal alterations to create new kitchen, bathrooms and dressing space and form new rear garden staircase access and alter existing rear door to form a window	To <b>REFUSE</b> planning permission subject to reasons as detailed in section 3 of the report by the Chief Planning Officer.
<a href="#"><u>Item 4.6– 30 Wright’s Houses, Edinburgh</u></a>	Proposed alterations, extension and new works to existing building to create 4 residential dwellings (as amended)  application no 18/01355/FUL	To <b>GRANT</b> planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer.
<a href="#"><u>Item 7.1 – 4A Oxgangs Green, Edinburgh (At Site 72 Metres South of)</u></a>	Development of 85 affordable dwellings (79 flats and 6 houses) with all other associated infrastructure, roads, parking, public realm and landscape areas -  application no 18/01055/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer and an additional condition to provide further details on landscaping, specifically on lighting, pedestrian paths and cycle paths.  (on a division).

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 29 August 2018

### Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Councillor Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Mowat, Osler and Staniforth.

### 1. General Applications and Miscellaneous Business

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The Sub-Committee considered reports on planning applications listed in Section 4, 5, 6 and 7 of the agenda for the meeting.

#### Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.4 – Belford Mews, Edinburgh as requested by Councillor Osler.

The Chief Planning Officer gave a presentation on agenda item 4.7 – 228 Willowbrae Road, Edinburgh, as requested by Councillor McLellan and Councillor Staniforth.

#### Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

### 2. 7-8 Baxter's Place, Edinburgh

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The Sub-Committee, on 6 June 2018, had agreed that an application for planning permission for the change of use from residential (class 9) to short stay serviced apartments (class 7) (in retrospect) (amended) at 7-8 Baxter's Place, Edinburgh be continued for consideration for a site visit and to be dealt with by means of a hearing (application no 17/05645/FUL).

#### (a) Presentation by the Chief Planning Officer

The Chief Planning Officer highlighted that the property comprised two Georgian townhouses at 7 and 8 Baxter's Place. The surrounding area was mixed used and residential below and adjacent to the property and located within the World Heritage site and New Town Conservation area. The proposal related to the creation of 6 self-contained units. The area surrounding this property was characterised by a mix of uses and was not a predominately residential area. It was a self-contained block with its own entrance, with no other private residences accessed from the communal stair.

A number of non-material matters had been raised by objectors in relation to drainage, quality of construction and anti-social behaviour. The use was not considered to have an adverse impact on amenity and the proposal complied with the adopted Edinburgh Local Development Plan.

The presentation can be viewed via the link below:

[https://edinburgh.publici.tv/core/portal/webcast\\_interactive/369339/start\\_time/828000](https://edinburgh.publici.tv/core/portal/webcast_interactive/369339/start_time/828000)

**(b) Objectors - Annick Galliard, Marcello Mega and Catherine Simpson**

Annick Galliard, Marcello Mega and Catherine Simpson gave a presentation as objectors to the proposals and as residents of adjacent and neighbouring properties to 7-8 Baxter's Place. They highlighted the following concerns

- Antisocial behaviour and noise disturbance
- Fire risk
- Impact on neighbourhood amenity and detrimental impact on residents
- Intensification of non-residential uses in residential areas
- Danger posed to individuals from falling items from applicant's building
- Sewerage problems associated with intensification of use
- Non-existence of reception area as presented in the application
- Doors banging at antisocial hours

They asked the Sub-Committee to refuse the application.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/369339/start\\_time/1739000](https://edinburgh.public-i.tv/core/portal/webcast_interactive/369339/start_time/1739000)

**(c) Applicant's Agent: MH Planning Associates**

Michael Hyde, MH Planning Associates gave a presentation on behalf of the applicant and outlined the Local Development Plan policies and highlighted the following additional factors which he asked the Sub-Committee to take into consideration:

- Policy EMP10: principle of change of use was supported.
- The surrounding areas, Marriott hotel, planet bar, former bank building were not predominately residential in use for Policy Hou 7 to apply whereby the impact on amenity would be so significant to have a material impact on the standard of living.
- Concerns raised by the objectors were non-material planning matters
- Former use of building as Social Club needed to be given consideration

The following measures were proposed which would address some of the main concerns raised by the objectors:

- Contactable member of staff to ensure that use of the building stayed within the use class 7 rather than use class 6 (sui generis).
- Dedicated reception area to manage guests.

The agent asked the Sub-committee to grant the application.

The full presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/369339/start\\_time/3823000](https://edinburgh.public-i.tv/core/portal/webcast_interactive/369339/start_time/3823000)

## **Decision**

- 1) To refuse planning permission (in retrospect) for the reasons that the proposed change of use was contrary to Local Development Plan Policy Des 5(a) (adverse effect on the amenity of neighbouring properties in terms of noise and disturbance) and Policy Hou 7 (inappropriate use in a residential area).
- 2) To request the Chief Planning Officer to recommence enforcement action in relation to the existing unauthorised use.

(References – Development Management Sub-Committee 6 June 2018 (item 1); report by the Chief Planning Officer, submitted)

## **4. 8 Morningside Road, Edinburgh**

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Details were provided of proposals for the change of use from commercial (former bank) into a restaurant/bar with outside seating space to the front and erect two storey rear extension (as amended) at 8 Morningside Road, Edinburgh – application numbers 18/02343/FUL and 18/02342/LBC.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications be granted.

### **Motion 1**

To continue consideration of the matter for a site visit.

- moved by Councillor Booth, seconded By Councillor Osler

### **Amendment 1**

To agree to determine the application at this meeting of the Sub-Committee

- moved by Councillor Gardiner, seconded by Councillor Child

### **Voting**

For the motion - 3 votes

(Councillors Booth, Osler and Staniforth)

For the amendment - 8 votes

(Councillors Child, Dixon, Gardiner, Gordon, Griffiths, Mowat, McLellan and Mitchell)

### **Decision 1**

To agree to consider the application at this meeting of the Sub-Committee.

### **Motion 2**

To grant planning permission and listed building consent subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor Child

## **Amendment 2**

To refuse planning permission for the reasons that the proposal was contrary to the Local Development Plan Policies ENV 3, ENV 4 and ENV 6.

- moved by Councillor Booth, seconded by Councillor Staniforth.

### **Voting**

For the motion: - 8 votes

(Councillors Child, Dixon, Gardiner, Gordon, Griffiths, Mowat, McLellan and Mitchell)

For the amendment: - 3 votes

(Councillors Booth, Osler and Staniforth)

### **Decision 2**

To grant planning permission and listed building consent subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.

(Reference – reports (2) by the Chief Planning Officer, submitted)

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><a href="#"><u>Item4.1 Alexander Crum Brown Road, Edinburgh</u></a></p>	<p>Forthcoming application by the University of Edinburgh for a proposed development of new School of Engineering module 1 engineering hub with associated ancillary works and landscaping. application no 18/02513/PAN</p>	<p>To note the key issues at this stage.</p>
<p><a href="#"><u>Item 4.2 KB Centre, Thomas Bayes Road, Edinburgh (At Land 41 Metres South Of)</u></a></p>	<p>Forthcoming Application by Edinburgh University for a proposed development to form a new Nucleus staff and student hub building including teaching, student services, commercial and food and drink provision with ancillary associated works and landscaping. application no 18/02597/PAN</p>	<p>To note the key issues at this stage.</p>
<p><a href="#"><u>Item 4.3 69-67 Marionville Road, Edinburgh EH7 6AQ</u></a></p>	<p>Forthcoming application by Dandara for Residential redevelopment of the site. application no 18/02669/PAN</p>	<ol style="list-style-type: none"> <li>1. To note the key issues at this stage.</li> <li>2. To consider the following additional issues: <ul style="list-style-type: none"> <li>• The railway adjacent to the site is protected and, any design proposals should take its protected status into account.</li> <li>• consideration should be given to enhanced connectivity between the site and the Meadowbank development site and consultation should be undertaken on such issues with the local community.</li> </ul> </li> </ol>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#">Item 4.4</a> <a href="#">Belford Mews,</a> <a href="#">Edinburgh (At Land</a> <a href="#">Adjacent to)</a>	Renewal of 14/02924/FUL. Erect dwelling house on three levels which includes the removal of a tree and mature planting.  application no 18/00239/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
<a href="#">Item 4.5(a)</a> <a href="#">47A South Clerk</a> <a href="#">Street Edinburgh</a> <a href="#">EH8 9NZ</a>	Relocation of an air conditioning unit on the rear wall (as amended).  application no - 18/02098/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
<a href="#">Item 4.5(b)</a> <a href="#">47A South Clerk</a> <a href="#">Street Edinburgh</a> <a href="#">EH8 9NZ</a>	Relocation of an air conditioning unit on the rear wall (as amended).  application no 18/02098/LBC	To <b>GRANT</b> listed building consent subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
<a href="#">Item 4.6</a> <a href="#">58 South Clerk</a> <a href="#">Street, Edinburgh</a> <a href="#">EH8 9PS</a>	Erection of two external ducts.  application no 18/02643/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
<a href="#">Item 4.7</a> <a href="#">228 Willowbrae</a> <a href="#">Road, Edinburgh</a> <a href="#">EH8 7NG</a>	Extension to the hotel to provide additional bedrooms and alterations to car parking in addition to elevational changes.  application no 18/03302/FUL	To <b>REFUSE</b> planning permission for the following reasons: <ol style="list-style-type: none"> <li>1. that the proposals were contrary to Local Development Plan Policy DES12 resulting in an unreasonable loss of privacy;</li> <li>2. the applicant had failed to make provision for adequate parking facilities for people with disabilities.</li> </ol>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#"><u>Item 5.1 - Bonnington Mains Quarry Cliftonhall Road Newbridge</u></a></p>	<p>Section 42 application for proposed variation to conditions 5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4 September 1990) to amend noise and vibration limits, postpone submission of final restoration plan and clarify period for completion of all mineral operations to 31 December 2050.</p> <p>application no 17/05930/FUL-</p>	<ol style="list-style-type: none"> <li>1. To <b>GRANT</b> planning permission subject to the revised conditions schedule as set out in section 3 of the report by the Chief Planning Officer.</li> <li>2. That the Chief Planning Officer enter into discussions with the applicant with a view to gaining an assurance that vehicles exiting the site do not turn into Ratho Village and an agreement that operations would cease after 5 years if an amicable agreement could not be reached with regard to payment of the remediation.</li> </ol>
<p><a href="#"><u>Item 6.1(b) 7-8 Baxter's Place Edinburgh EH1 3AF</u></a></p>	<p>Change of use from residential (class 9) to short stay serviced apartments (class 7) (in retrospect) (amended).</p> <p>application no - 17/05645/FUL</p>	<ol style="list-style-type: none"> <li>1. To <b>REFUSE</b> planning permission (in retrospect) for the reasons that the proposed change of use was contrary to Local Development Plan Policy Des 5(a) (adverse effect on the amenity of neighbouring properties in terms of noise and disturbance) and Policy Hou 7 (inappropriate use in a residential area).</li> <li>2. To request the Chief Planning Officer to recommence enforcement action in relation to the existing unauthorised use.</li> </ol>



Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#"><u>Item 7.1(a)</u></a>  <a href="#"><u>8 Morningside Road</u></a>  <a href="#"><u>Edinburgh EH10 4DD</u></a></p>	<p>Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (as amended).            application no - 18/02343/FUL</p>	<ol style="list-style-type: none"> <li>1. To agree to determine the application at this meeting of the Sub-Committee.                (on a division)</li> <li>2. To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.                (on a division)</li> </ol>
<p><a href="#"><u>Item 7.1(b)</u></a>  <a href="#"><u>8 Morningside Road</u></a>  <a href="#"><u>Edinburgh EH10 4DD</u></a></p>	<p>Change of use from commercial (former bank) into a restaurant/bar with outside eating space to the front and erect two storey rear extension (as amended).            application no 18/02342/LBC</p>	<ol style="list-style-type: none"> <li>1. To agree to determine the application at this meeting of the Sub-Committee.                (on a division)</li> <li>2. To <b>GRANT</b> listed building consent subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.                (on a division)</li> </ol>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#"><u>Item 7.2</u></a>  <a href="#"><u>70, 72 Newhaven Road, Edinburgh EH6 5QG</u></a></p>	<p>Demolition of existing commercial buildings and erection of 52 residential flats (as amended units reduced to 49 residential flats).  application no 17/01183/FUL</p>	<ol style="list-style-type: none"> <li>1. To <b>GRANT</b> planning subject to the conditions, reasons, informatives and a suitable legal agreement in respect of an education contribution of £31,672 towards infrastructure (Quarter 4 2017 value to be indexed at the point of payment) and affordable housing (13 units) as detailed in section 3 of the report by the Chief Planning Officer and subject also to an additional informative requiring an improved cycle route through the development site and further improved connectivity with active travel routes in this area.</li> <li>2. To refer the application to Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.</li> </ol> <p>Cllr Booth requested that his dissent be recorded to this decision.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#"><u>Item 7.3</u></a>  <a href="#"><u>545 Old Dalkeith Road, Edinburgh (At Land 447 Metres Northeast Of)</u></a></p>	<p>Application for Approval of Matters specified in Conditions 1 and 6 of Planning Permission in Principle 14/01057/PPP (Appeal Reference PPA-230-2131) - residential development, ancillary uses and associated development.  application no 18/00508/AMC</p>	<p>To <b>GRANT</b> approval of the matters specified in Conditions 1 and 6 subject to the conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer and subject also to a further condition requiring the applicant to provide a landscaping plan detailing the exact site locations and species of trees planned for the new tree planting proposals.</p>
<p><a href="#"><u>Item 7.4</u></a>  <a href="#"><u>597 Queensferry Road, Edinburgh EH4 8EA</u></a></p>	<p>Demolition of existing house and garage and erection of six new terrace townhouses. Revised planning application following Planning Reference 18/01100/FUL refusal (28/05/18).  application no 18/02696/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the informatives and a legal agreement for a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area as detailed in section 3 of the report by the Chief Planning Officer.</p>

# Development Management Sub Committee

Wednesday 26 September 2018

**Application for Planning Permission 18/02448/FUL  
At 24 Hugh Miller Place, Edinburgh, EH3 5JG  
Remove existing front elevation dormer and replace with  
new larger dormer and fit new dormer to the rear elevation.  
(as amended)**

<b>Item number</b>	4.1(a)
<b>Report number</b>	
<b>Wards</b>	B05 - Inverleith

## Summary

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The proposal to install the canted dormer on the rear elevation complies with the Edinburgh Local Development Plan and non-statutory guidance for listed buildings and conservation areas. However the proposal to replace the existing box dormer with a canted dormer on the front elevation is not acceptable in terms of policy and guidance and is recommended for refusal. It is recommended this application be a mixed decision.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES04, LEN04, LEN06, NSG, NSLBCA, OTH, CRPSTO,
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# Report

## **Application for Planning Permission 18/02448/FUL At 24 Hugh Miller Place, Edinburgh, EH3 5JG Remove existing front elevation dormer and replace with new larger dormer and fit new dormer to the rear elevation. (as amended)**

### **Recommendations**

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- 1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

### **Background**

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#### **2.1 Site description**

The application site is an upper level flat on two storeys consisting of the upper level and attic, within a row of colony houses. The character of the surrounding area is predominantly residential. The colony houses were built by the Edinburgh Co-operative Building Company in the 1860s. Hugh Miller Place was the second terrace to be built in the development.

The property was category B listed on 11 October 1973 (ref: LB50523).

This application site is located within the Stockbridge Conservation Area.

#### **2.2 Site History**

29 May 2018 - An application for listed building consent is currently pending consideration for the removal of the existing front dormer and replace with a canted style dormer and to fit a new canted dormer on the rear elevation (Application number 18/02446/LBC).

### **Main report**

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#### **3.1 Description Of The Proposal**

The proposal is for the replacement of the existing front box dormer with a new bay style dormer and also to fit a new bay dormer to the rear elevation. The bay dormer will measure 2500mm wide and 2455mm high. The windows will be timber sash and case with astragals as original.

#### **Scheme 2**

Revised drawings were requested to change the design from a box dormer to a canted dormer and to include astragals on the new windows.

### **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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

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 proposals will have an adverse impact on the character of the listed building;
- b) the proposals will preserve or enhance the character of the conservation area;
- c) the proposals will have a detrimental impact on neighbouring amenity; and
- d) any comments have been addressed.

#### **a) Listed Building**

Policy Env 4 of the Edinburgh Local Development Plan (LDP) states that any alterations or extensions to a listed building will be permitted where there will be no unnecessary damage to the historic structure or the diminution of its interest and where any additions are in keeping with other parts of the building.

Policy Des 4 of the LDP states that permission will be granted for development where it will contribute positively on its surroundings. The non-statutory guidance states that new dormers will normally not be acceptable unless they are part of the original or early design of the area.

Hugh Miller Place was the second street of the colonies to be built. Small dormers with glazed sides were first introduced within the upper colony houses of Hugh Miller Place. The majority of Hugh Miller Place retains their original rectangular dormers on the front elevation and any that have been replaced are historical in nature. The proposal to replace the existing rectangular dormer with a larger canted version is unacceptable as this would be detrimental to the character of the listed building, involve the loss of important historic fabric and introduce a dormer design which is not compatible with the rest of the terrace. As such it would be contrary to the aspirations of policy Env 4 and non-statutory guidance.

The rear pitch traditionally had no features. However, the rear pitch now has many dormers of a variety of styles. The proposed dormer is of a canted style and is in keeping with the character of neighbouring dormers. The windows within the new dormer are to be timber sash and case with astragals as traditional detailing would have been. The dormer on the rear elevation is acceptable and will have no adverse impact on the character of the listed building. This complies with the aspirations of policy Env 4 and the non-statutory guidance.

#### b) Conservation Area

Policy Env 6 states that development within a conservation area or affecting its setting will only be permitted where it preserves or enhances the character or appearance of the conservation area and is consistent with the relevant character appraisal. The development must also demonstrate high standards of design and utilise materials relevant to the historic environment.

The Stockbridge Colonies character appraisal states that:

*"New dormers are only acceptable when in the style of the traditional bay type, with dimensions, windows and other details to match those already existing on a particular terrace. New dormers should line through and follow as closely as possible the established spacing of the original. New dormers should always match the original style on the terrace."*

The proposed replacement dormer on the front elevation, although in the traditional bay type, is not typical of this terrace. Hugh Miller Place has retained the majority of their small rectangular dormers. The proposed bay style dormer on the rear elevation is acceptable as there are a variety of styles on this side of the street, many being the traditional bay style. The windows will be timber sash and case and will match the traditional dormers in terms of style, materials and detailing.

The proposal to replace the front dormer will have an adverse impact on the character and appearance of the conservation area. As such is contrary to the aspirations of policy Env 6 and non-statutory guidance. The proposed rear dormer will preserve the character and appearance of the conservation area. This complies with the aspirations of Env 6 and non-statutory guidance.

### c) Neighbouring Amenity

Policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The proposed rear dormer will have no detrimental impact on neighbouring amenity in relation to noise, daylight, sunlight, privacy or immediate outlook as the new dormer will follow the established spacing of existing dormers on the rear terrace. The proposed replacement dormer on the front elevation is unacceptable in principle and will not change. As such the proposals comply with policy Des 5 in terms of amenity.

### d) Public Comments

Thirteen representations of objection have been received in regards to:

#### Material - Objection

- The design is unsympathetic to the surrounding area - assessed in section 3.3a,b).
- Will have a negative impact on the appearance of the street - assessed in section 3.3a,b).
- Will result in the loss of historic fabric of the building - assessed in section 3.3a).
- Will have an adverse impact on the character and appearance of the conservation area - assessed in section 3.3b).
- Dormer is too large - assessed in section 3.3a).

#### Non Material - Objection

- This will create a precedent - each application is dealt with on its own merits.
- This may have an affect on the ten year guarantee on the roof - this is not a planning matter.

### Conclusion

The proposal to install the canted dormer on the rear elevation complies with the Edinburgh Local Development Plan and non-statutory guidance for listed buildings and conservation areas. However the proposal to replace the existing box dormer with a canted dormer on the front elevation is not acceptable in terms of policy and guidance and is recommended for refusal. It is recommended this application be a mixed decision.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

### **3.4 Conditions/reasons/informatives**



## 1. **Conditions**

This permission relates to the installation of the canted style dormer on the west elevation of Hugh Miller Place.

## 1. **Reasons for Conditions**

This part of the application complies with the Edinburgh Local Development Plan and the non-statutory guidance for listed buildings and conservation areas. The proposal also complies with the relevant Conservation Area character appraisal.

## **Reason for Refusal:-**

1. This refusal relates to the replacement of the existing rectangular dormer with a new canted dormer.
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the removal of the existing rectangular dormer would result in an unacceptable loss of historic fabric.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal will have an adverse impact on the character and appearance of the conservation area.

## **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.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The application was re-advertised on the 2 August 2018 and thirteen letters of representation were received. Thirteen letters of objections and no letters of support.

The comments made are addressed in the Assessment section of the report.

## **Background reading/external references**

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

**Statutory Development  
Plan Provision**

The application property is in the Urban Area designated in the Edinburgh Local Development Plan and is located within the Stockbridge Colonies Conservation Area.

**Date registered**

6 June 2018

**Drawing numbers/Scheme**

01,02A.03B,04A,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sheila Bernard, Planning Officer

E-mail:sheila.bernard@edinburgh.gov.uk Tel:0131 529 4509

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

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

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.

## **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.

### **Other Relevant policy guidance**

The Colony Conservation Areas Character Appraisals emphasise the historic importance and unique architectural form of the Colony developments in Edinburgh. They are typified by their enclosed setting, their small scale layout, high quality workmanship, detailed control of design and pedestrian emphasis.

# Appendix 1

**Application for Planning Permission 18/02448/FUL  
At 24 Hugh Miller Place, Edinburgh, EH3 5JG  
Remove existing front elevation dormer and replace with  
new larger dormer and fit new dormer to the rear elevation.  
(as amended)**

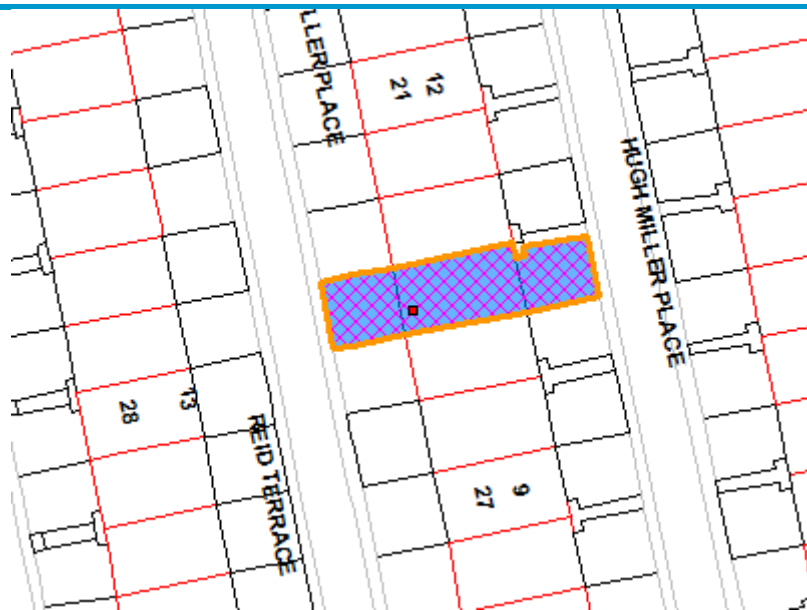
## Consultations

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No consultations undertaken.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 26 September 2018

**Application for Listed Building Consent 18/02446/LBC  
At 24 Hugh Miller Place, Edinburgh, EH3 5JG  
Remove existing front elevation dormer and replace with  
new larger dormer and fit new dormer to the rear elevation  
with associated internal alterations. (as amended)**

<b>Item number</b>	4.1(b)
<b>Report number</b>	
<b>Wards</b>	B05 - Inverleith

## Summary

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The proposal to install the canted dormer on the rear elevation complies with the non-statutory guidance for listed buildings and conservation areas. However the proposal to replace the existing box dormer with a canted dormer on the front elevation is not acceptable in terms of guidance and is recommended for refusal. It is recommended this application be a mixed decision.

## Links

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[Policies and guidance for this application](#) NSG, NSLBCA, OTH, CRPSTO,

# Report

## **Application for Listed Building Consent 18/02446/LBC At 24 Hugh Miller Place, Edinburgh, EH3 5JG Remove existing front elevation dormer and replace with new larger dormer and fit new dormer to the rear elevation with associated internal alterations. (as amended)**

### **Recommendations**

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- 1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

### **Background**

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#### **2.1 Site description**

The application site is an upper level flat on two storeys consisting of the upper level and attic, within a row of colony houses. The character of the surrounding area is predominantly residential. The colony houses were built by the Edinburgh Co-operative Building Company in the 1860s. Hugh Miller Place was the second terrace to be built in the development.

The property was category B listed on 11 October 1973 (ref: LB50523).

This application site is located within the Stockbridge Conservation Area.

#### **2.2 Site History**

29 May 2018 - An application for planning permission is pending consideration for the replacement of the existing front rectangular dormer with a new canted dormer and for the addition of a canted dormer to the rear elevation. (Application number 18/02448/FUL).

### **Main report**

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#### **3.1 Description Of The Proposal**

The proposal is for the replacement of the existing front box dormer with a new bay style dormer and also to fit a new bay dormer to the rear elevation. The bay dormer will measure 2500mm wide and 2455mm high. The windows will be timber sash and case with astragals as original.

#### **Scheme 2**

Revised drawings were requested to change the design from a box dormer to a canted dormer and to include astragals on the new windows.

## 3.2 Determining Issues

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

## 3.3 Assessment

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

- a) the proposals will have an adverse impact on the character of the listed building;
- b) the proposals will preserve or enhance the character of the conservation area;  
and
- c) any comments have been addressed.

### a) Listed Building

The non-statutory guidance states that new dormers will normally not be acceptable unless they are part of the original or early design of the area.

Hugh Miller Place was the second street of the colonies to be built. Small dormers with glazed sides were first introduced within the upper colony houses of Hugh Miller Place. The majority of Hugh Miller Place retains their original rectangular dormers on the front elevation and any that have been replaced are historical in nature. The proposal to replace the existing rectangular dormer with a larger canted version is unacceptable as this would be detrimental to the character of the listed building, involve the loss of important historic fabric and introduce a dormer design which is not compatible with the rest of the terrace. As such it would be contrary to the aspirations of the non-statutory guidance.

The rear pitch traditionally had no features. However, the rear pitch now has many dormers of a variety of styles. The proposed dormer is of a canted style and is in keeping with the character of neighbouring dormers. The windows within the new dormer are to be timber sash and case with astragals as traditional detailing would have been. The dormer on the rear elevation is acceptable and will have no adverse impact on the character of the listed building. This complies with the aspirations of the non-statutory guidance.

### b) Conservation Area

The Stockbridge Colonies character appraisal states that:



*"New dormers are only acceptable when in the style of the traditional bay type, with dimensions, windows and other details to match those already existing on a particular terrace. New dormers should line through and follow as closely as possible the established spacing of the original. New dormers should always match the original style on the terrace."*

The proposed replacement dormer on the front elevation, although in the traditional bay type, is not typical of this terrace. Hugh Miller Place has retained the majority of their small rectangular dormers. The proposed bay style dormer on the rear elevation is acceptable as there are a variety of styles on this side of the street, many being the traditional bay style. The windows will be timber sash and case and will match the traditional dormers in terms of style, materials and detailing.

The proposal to replace the front dormer will have an adverse impact on the character and appearance of the conservation area. As such is contrary to the aspirations of the non-statutory guidance. The proposed rear dormer will preserve the character and appearance of the conservation area. This complies with the aspirations of the non-statutory guidance.

#### c) Public Comments

Ten representations in objection were received in reference to:

#### Material - Objection

- Dormer on the east side of the property not acceptable - assessed in section 3.3a,b).
- Character of the listed building and conservation area - assessed in section 3.3a,b).
- Damage to the historic structure of the listed building - assessed in section 3.3a).
- Harmful to the character of the second oldest street - assessed in section 3.3b).
- Dormer is too large - assessed in section 3.3a,b).

#### Conclusion

The proposal to install the canted dormer on the rear elevation complies with the non-statutory guidance for listed buildings and conservation areas. However the proposal to replace the existing box dormer with a canted dormer on the front elevation is not acceptable in terms of guidance and is recommended for refusal. It is recommended this application be a mixed decision.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

### **3.4 Conditions/reasons/informatives**

#### **1. Conditions**

This permission relates to the installation of the canted style dormer on the west elevation of Hugh Miller Place.

## 1. Reason for Conditions

This part of the application complies with the Edinburgh Local Development Plan and the non-statutory guidance for listed buildings and conservation areas and complies with the relevant character appraisal.

### Reason for Refusal:-

1. This refusal relates to the replacement of the existing rectangular dormer with a new canted dormer.
2. The proposals are contrary to non-statutory guidance on Listed Buildings and conservation Areas as the proposal would result in an unacceptable loss of historic fabric and have a negative impact on the Conservation Area.

### Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. This consent is for listed building consent only. Work must not begin until other necessary consents, eg planning permission, have been obtained.

## Financial impact

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### 4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

## Risk, Policy, compliance and governance impact

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

## Equalities impact

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### 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

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### 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**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The application was re-advertised on the 2 August 2018 and ten letters of representation were received. Ten letters of objections and no letters of support.

The comments made are addressed in the Assessment section of the report.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

The application property is in the Urban Area designated in the Edinburgh Local Development Plan and is located within the Stockbridge Colonies Conservation Area.

### **Date registered**

6 June 2018

### **Drawing numbers/Scheme**

01,02A,03B, 04A,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sheila Bernard, Planning Officer

E-mail:sheila.bernard@edinburgh.gov.uk Tel:0131 529 4509

## **Links - Policies**

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### **Relevant Policies:**

#### **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.

#### **Other Relevant policy guidance**

The Colony Conservation Areas Character Appraisals emphasise the historic importance and unique architectural form of the Colony developments in Edinburgh. They are typified by their enclosed setting, their small scale layout, high quality workmanship, detailed control of design and pedestrian emphasis.

# Appendix 1

## **Application for Listed Building Consent 18/02446/LBC At 24 Hugh Miller Place, Edinburgh, EH3 5JG Remove existing front elevation dormer and replace with new larger dormer and fit new dormer to the rear elevation with associated internal alterations. (as amended)**

### **Consultations**

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#### HISTORIC ENVIRONMENT SCOTLAND

24 Hugh Millar Place is a category B listed upper colony house, built by the Edinburgh Co-operative Building Company in the 1860s. The current application is a revised scheme which proposes the replacement of a historic dormer with a canted dormer to the front elevation and the addition of canted dormer to the rear elevation.

24 Hugh Millar Place is part of the Stockbridge Colonies and was the second terrace to be built in the development. The Stockbridge Colonies were the first of the Edinburgh Co-operative Building Company developments to be built in Edinburgh.

Within the Stockbridge colonies small dormers with glazed sides were first introduced on the upper colony houses of Hugh Millar Place. Terraces constructed later were fitted with larger canted versions. Despite these differences the terraces would have presented an almost uniform appearance when they were first built.

Today the upper houses of Hugh Millar Place almost entirely retain their early small dormers with glazed sides. The proposed replacement of this dormer with a larger canted dormer would alter the roofline and result in the loss of a historic roof feature which forms an important element in defining the building and group of building's character. It is therefore our view that this element of the application should be removed and the existing historic dormer is retained.

Historically, the rear of the uppers had a featureless pitched roof. Today many dormers of varying architectural styles have been added. We note that the revised application has redesigned the proposed dormer to be canted and emulate neighbouring dormers. If your Council judges that a dormer is acceptable in principle we are content for this element to be taken forward, although it should be traditionally detailed.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

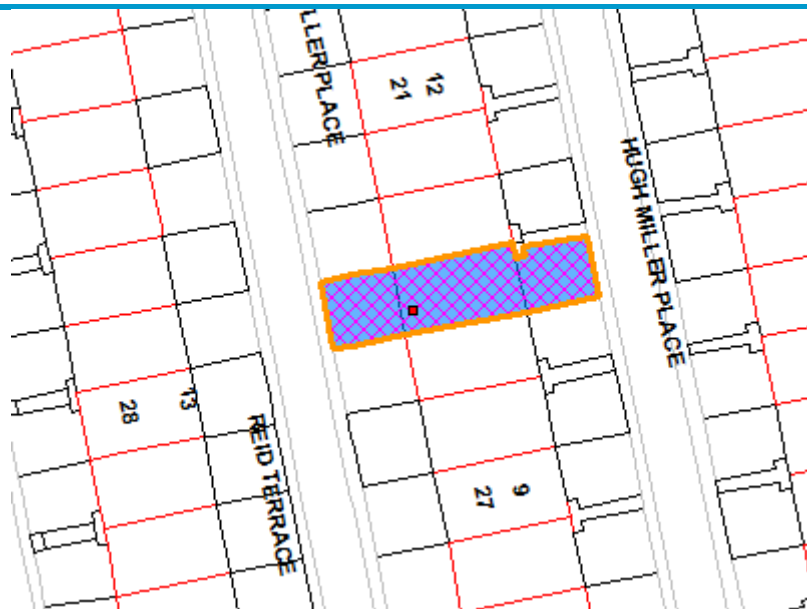
## Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

Please contact us if you have any questions about this response.

## Location Plan



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**END**

# Development Management Sub Committee

**Wednesday 26 September 2018**

**Application for Planning Permission 16/03107/FUL  
At Jack Kane Community Centre, Jack Kane Sports Centre,  
Hunters Hall Public Park  
Construction of a new outdoor velodrome bmx track pump  
track and 3G pitches. Refurbishment of the Jack Kane  
Centre building. Demolition of derelict janitors houses.  
Construction of new car parking and associated access  
routes and paths as well as improvements to existing car  
parking and paths (as amended).**

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Wards</b>	A17 - Portobello/Craigmillar (Pre May 2017)

## Summary

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The proposed development is acceptable in principle and in accordance with the Local Development Plan (LDP). The proposals are an intensification of the existing sports and recreational facilities within Hunters Hall Park. The site constraints and mining legacy have largely influenced the layout and siting. However, the proposed design does make use of the topography of the area, boundary screening woodland and the location in proximity to Jack Kane Centre. The proposed materials also are compatible with this parkland setting. The issues of noise and floodlighting have been addressed to ensure sufficient amenity for neighbours. The car parking layout has been designed to provide for day to day car parking use with capacity for overflow car parking as required for larger events.

## Links

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**Policies and guidance for this application**

LDPP, LEN18, LEN19, LEN15, LEN12, LEN08, LEN09, LEN21, LEN22, LDES01, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LTRA01, LTRA04, LTRA09, LRS06, NSG, NSGPDF, NSGD02, NSOSS,



# Report

**Application for Planning Permission 16/03107/FUL  
At Jack Kane Community Centre, Jack Kane Sports Centre,  
Hunters Hall Public Park  
Construction of a new outdoor velodrome bmx track pump  
track and 3G pitches. Refurbishment of the Jack Kane  
Centre building. Demolition of derelict janitors houses.  
Construction of new car parking and associated access  
routes and paths as well as improvements to existing car  
parking and paths (as amended).**

## Recommendations

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

## Background

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### 2.1 Site description

The application site is Hunter's Hall Public Park which is located on the south side of Niddrie Mains Road at the crossroads with The Wisp, Duddingston Park South and Newcraighall Road. Niddrie Mains Road is a main thoroughfare and is on a high frequency bus route. It gives access to the city centre and to the A1.

The Jack Kane Centre sits within the park and offers sporting and other community facilities. The Jack Kane Centre building is a plain concrete low level flat roofed building containing a sports centre and a separate community wing. A car park and derelict janitors houses are located next to the Jack Kane Centre. There is an existing sub-station just to the south of the building which has permission to be extended and a community garden.

To the north of the building, the sports facilities include a children's play park and an overgrown bike track.

The playing pitches are situated to the south of the building in Hunter's Hall Park. There are seven playing pitches marked out on the grass and one artificial pitch with floodlighting, which is also marked out into four smaller pitches.

The vehicular access is from Niddrie Mains Road with additional pedestrian accesses from Niddrie Marischal Road and Drive, and The Wisp and informal accesses from the land to the south.

The Niddrie Burn runs along the west boundary and has been restored to a more natural valley and route along the western boundary with a bridge connecting the park to the housing area to the west. Planting and informal paths have been installed along the restored burn. Part of the Burn and its embankments are designated a Local Nature Conservation Site.

The Jack Kane Centre and park area to the south are generally flat. The area to the north of the Jack Kane centres slopes down towards Niddrie Mains Road along the northern boundary. Mature trees and woodland areas are found along most of the site's boundary. Trees are also found scattered throughout the site.

## 2.2 Site History

12 February 2015 - Permission granted for change of use of open space and construction of community garden including raised growing beds, polytunnel, paths, grassed areas and planting bounded by a 1.3m high fence at Jack Kane Community Centre 280 Niddrie Mains Road Edinburgh EH16 4ND (application number 15/00050/FUL).

## Main report

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### 3.1 Description Of The Proposal

Full planning permission is sought for the detailed design of an outdoor velodrome, BMX track, pump track and 3G pitches and grass pitches. The BMX, 3G football pitch and velodrome proposals across the park have a total area of 1.8 hectares. The Jack Kane Centre will be refurbished and the janitors' houses demolished. A new car park, associated access routes and paths will be constructed. Improvements will be made to the existing car park and paths. Both the play park and existing community garden will remain as existing. Detailed proposals include:

- a new Olympic sized 250m outdoor velodrome totalling 0.5197 ha;
- a regional level BMX track and starters hut, assembly area including floodlighting totalling 0.5188 ha;
- the re-covering of the existing artificial pitch including floodlighting;
- a new 60m x 40m artificial pitch including floodlighting;
- the reconfiguration of the existing grass pitches;
- an extension to the existing car park and overflow area;
- Jack Kane centre enhancement including additional windows in elevations, cleaning and decorating the exterior of the buildings and replacement of existing services in the sports centre and community wing; and
- a new maintenance/cycle storage building adjacent to the coach parking area.

A velodrome is proposed to the south of the Jack Kane Centre building next to the football and rugby pitches. The external banking to the velodrome and the track infield is a grass surface in order to have it blend into the surrounding area as much as possible. It will be surrounded by 3m high fencing and floodlit.

The BMX track will be positioned in the north east of the site near the cross roads with Niddrie Mains Road and The Wisp. A pump track is proposed adjacent to the southern end of the BMX track. The BMX track will be constructed of earth with grassed banks and track surfaced in ground limestone to provide a gravel finish and surrounded by grey 3m high fencing to help it blend into the landscape. It will also be floodlight. The track will use the existing contours of the park to make it blend in as much as possible from the start ramp height of 3 metres.

The 3G pitches will be 0.313 Ha. The introduction of the new large 3G pitch in this area is a change of surface to the existing grass pitches as it is artificial grass, but the activities that take place there are unchanged. Three new 3G seven-a-side pitches will be created on the existing artificial pitch base to the east of the Jack Kane Centre. Six pitches will be installed to the south of the Jack Kane Centre building located in the eastern part of the application site; four grass football pitches, one grass rugby pitch and one 3G pitch. Two of these will be to Scottish Football Association grass pitch specification, two will be to Fifa grass pitch specification, one new 3G pitch will be 60m x 40m and one pitch will be to Scottish Rugby Union specification. An area has also been identified for a future proposed grass football pitch.

Vehicular access will be the existing access from Niddrie Mains Road to the enlarged car park adjacent to the Jack Kane Centre with access to the velodrome for use by maintenance and ambulances. It is proposed that 86 car parking spaces are provided, including accessible car parking spaces, electric vehicle charging and motorcycle parking spaces. Electric vehicle charging ducting is to be provided. Cycle storage for 24 cycle spaces is also provided near the entrance to the building. Two coach parking spaces will also be provided.

Pedestrian access will be taken from Niddrie Mains Road to the north, Niddrie Marischal Road/Drive to the west, from The Wisp to the east and from the south, through the proposed housing development. Pedestrian routes within the site will link the car park to the velodrome and BMX track. The existing pedestrian path alongside the Niddrie Burn will remain, linking the north and south of the park.

Landscaping is proposed. The main areas of existing and proposed woodland within the site is along the frontage to Niddrie Mains Road, the boundary to the Wisp and the southern boundary with some areas of tree planting along the western edge along the Niddrie Burn.

Tree protection, removal and retention plans have been submitted. The tree removal plan states 13 trees in total would be felled due to the proposed works that range from 1.5 metres to 23 metres in height.

The main area of tree removal is Area A, totalling 0.03 hectares along the northern boundary of the site. It is part of a larger area of woodland along to Niddrie Mains Road. Removal of woodland from Area A is essential to facilitate the BMX track however, only a small area overlaps with the BMX track itself. Area A comprises 10 trees for felling ranging from 12-22 metres in height:

- four sycamores;
- three maples;
- one ash;

- one lime; and
- one oak.

Three trees are also proposed to be felled to facilitate vehicle access to the centre and maintenance access to the velodrome. These trees range from 1.5 metres to 23 metres in height, and include one Norwegian Maple and two Sycamores.

The applicant proposes a replacement planting scheme. Currently, 24 trees comprising girth of 18-20 cm, height minimum 450 cm, will be planted around the car parking area and between the Jack Kane Centre and the BMX track to the north.

Floodlighting for the velodrome, BMX track and external pitches shall be positioned and angled such that the luminance is targeted onto the playing surfaces with minimal overspill into adjacent areas.

The currently derelict janitor's houses will be demolished. Alterations to the Jack Kane Centre include installing windows and new security shutters to all windows of the building and renewing external fire escape doors.

### Supporting Information

The following information has been submitted in support of the application:

- Design and Access Statement;
- Pre Application Consultation Report;
- Transport Information;
- Sustainability Statement (S1) Form;
- Geo-environmental Development Appraisal;
- Site Investigation Report;
- Drainage Impact Assessment;
- Noise Impact Assessment;
- Tree Survey including arboricultural survey, tree constraints and tree removal plan; and
- Surface water management plan.

These documents are available to view on the Planning and Building Standards Online Services.

### Scheme 1

The car parking layout for 86 spaces did not include the requisite number of wheelchair accessible spaces or electric vehicle charging spaces. The plans have also been amended to clarify the proposed trees to be felled in conjunction with the proposals.

## **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 proposal is acceptable in principle;
- b) the layout, scale and design are acceptable;
- c) the landscaping and landscape setting are acceptable;
- d) the impact on neighbouring amenity is acceptable;
- e) the impact on infrastructure is acceptable;
- f) there are other material considerations;
- g) the public comments have been addressed; and
- h) there are any equalities or human rights issues.

#### **a) Principle**

The application site is identified as an area of protected open space in the adopted Edinburgh Local Plan (LDP) and includes an area of Local Nature Conservation Site. Therefore, policies Env 18 (Open Space Protection) and Env 19 (Protection of Outdoor Sports Facilities) apply for the open space. Policy Env 15 (Sites of Local Importance) applies to the Local Nature Conservation Site. The application proposal also includes part of allocated adopted local plan housing site HSG18, school proposal SCH3 and green space proposal GS5 and needs to be assessed against this policies too.

Policy Env 18 sets out the criteria for when the loss of open space will be acceptable including:

- there will be no significant impact on the quality or character of the local environment;
- the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space service the immediate area and;
- the loss would not be detrimental to the wider network including its continuity or biodiversity value;

- there will be a local benefit in allowing the development in terms either an alternative equivalent provision being made or improvement to an existing public park or other open space; or
- the development is for a community purpose and the benefits to the local community outweigh the loss.

The character of the application site is currently a public park and sporting facility. There are football and rugby pitches, a building (sports centre and community wing), play park and community garden. The pitches are laid out to the south of the building with the other uses nearer the building and some to the front. The proposals are for pitches and other sports facilities and these will retain the character of the park and application site. The Niddrie Burn, and local nature conservation area will remain. The site will still keep its mainly grass environment and trees. Therefore, there will be no significant impact on the quality or character of the local environment.

Open space will be lost due to the installation of the velodrome, and the BMX pump track and the extension of the car park. Hunter's Hall Park is 26.98 ha and the application site, part of Hunter's Hall Park, is 18.3 ha. The loss of open space will be 7% of the whole of Hunter's Hall Park and 10% of the application site. The park is a large area and the proposals will use up a small proportion of the park, thus retaining a significant amount of open space. The loss would not be significant and wider continuity of the network and biodiversity value would not be detrimentally affected.

The public and community will still be able to use the park and enjoy the open space. The park will be improved through upgrading and providing more pitches, community / sports / leisure facilities, as well as landscaping and path improvements to the new facilities. The benefits to the community outweigh the loss of open space. Therefore, the proposal conforms to policy Env 18 - Open Space Protection.

Policy Env 19 states that the loss of some or all playing field or sports pitch will be permitted only where one of the following circumstances applies:

- a) the proposed development is ancillary to the principal use of the site as outdoor sports facilities;
- b) the proposed development involves a minor part of outdoor sports facilities and would not adversely affect the use or potential of the remainder for sport and training;
- c) an alternative outdoor sports facility is to be provided of at least equivalent sporting value in a no less convenient location, or existing provision is to be significantly improved to compensate for the loss; and
- d) the Council is satisfied that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and the site can be developed without detriment to the overall quality of provision.

No pitches will be lost. The proposed sports facilities and associated proposals, such as the landscaping, are ancillary to the use of the site as a sports facility. The proposals will not affect the use of the application site nor the use of the remainder of the site for sports and training use. The proposals will replace existing grass pitches with a mix of 3G and grass pitches for football and rugby. The site will be developed as an improvement to the existing facilities and will meet any future increase in demand in the area. SportsScotland does not object to the proposals stating that overall the playing capacity of the site will be maintained or improved, in accordance with Scottish Planning Policy. Therefore, the proposal is not contrary to Policy Env 19.

The Jack Kane Centre and associated leisure/sports facilities are already on the site. The current proposal is for an upgrade of facilities with a few new facilities such as the velodrome and BMX track. The proposal satisfies the criteria in policies Env 18 and Env 19 and is acceptable in this location.

Whilst the Local Nature Conservation Site is included within the application site, it is not affected by the proposals and therefore the proposals comply with policy Env 15 (Sites of Local Importance).

The application site boundary overlaps with part of allocated adopted local plan housing site HSG18, school proposal SCH3 and green space proposal GS5 within the application site. However no development is proposed in these locations. The LDP allocated housing site HSG 18 already has planning permission under construction for residential development. The greenspace proposals G5 for the Niddrie Burn Parkland are already under implementation. Communities and Families has no objection to the proposal provided it does not prejudice the opportunity to deliver a new primary school (if required) in the location identified by the Council's adopted LDP. The adopted Local Plan shows a general location for School Proposal SCH3 to the south-west of the proposed grass pitches therefore not affected by these proposals.

## **b) Layout, design and scale**

In assessing the scale, layout and design of the proposals, LDP policies Des 1 (Design Quality and Context) to Des 8 (Public Realm and Landscape Design) provide a robust framework along with the Edinburgh Design Guidance. Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design, or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

Hunters Hall Park is a key amenity green space in this part of the city and with its elevated position, has expansive views west towards the city centre and Arthurs Seat. The park landscape incorporates open green space which is centred on the Jack Kane Centre. The Hunters Hall Park development is widely recognised as a recreation and leisure area to the east of Edinburgh, as the current provision of sports pitches are located here and the proposal retains this use. It is key to note that usage is not altered and the proposals are aimed at making better use of this parkland. The main area of existing and proposed woodland within the site is located along the site boundaries.

The woodland planting acts as a buffer to prominent roads to the north and east. The area to the south of the existing Jack Kane Centre is currently dedicated to recreational/sports use while the area to the north is more used for informal sporting activity and recreational parkland.

The site's services constraints and mining history have largely dictated the location of the proposed velodrome and BMX track. The location of the velodrome is the only location available due to historic mineral seams being mined across the site. Similarly, the BMX track is placed between key utilities (mains water and sewer) so maintenance access by statutory undertakers can still be achieved. The required earth works for the velodrome and BMX track require their position away from both services and previously mined areas whilst keeping the facilities as close to the building as possible to help management of the tracks. The 3G pitches are positioned to allow for access to services beneath but can be placed over previous mine working due to their lighter weight and the use of a geo grid beneath them.

The applicant has submitted supporting information to demonstrate how the design of the BMX track and velodrome will sit within its context. The BMX track to the north of the Jack Kane Centre uses the topography of the sloping site to integrate into its surroundings and retaining most of the surrounding woodland to provide a buffer and screening of the track from the adjacent roads. This siting mitigates its impact, means the 3metre high starting ramp is acceptable in its siting and would be screened by the woodland along the boundaries.

Therefore whilst it does introduce a formal recreational use into the previously parkland area, it relates well to the existing artificial pitches and together with the existing play park still leaves a substantial area of open parkland to the north of the Jack Kane Centre which is visible at the entrance from Niddrie Mains Road.

The proposed velodrome is sited behind the Jack Kane Centre in the middle of the site and therefore would not be readily visible outwith the park due to the woodland along the boundaries. Its impact is mainly in terms of the floodlighting columns and fences - painted grey to reduce their impact against the sky. Similarly the main impact of the artificial grass pitches is the accompanying floodlighting and fenced enclosure. The floodlit pitches have been sited on the eastern side of the park between the building, velodrome and the eastern boundary woodland. Both locations mitigate the integration of the facilities into the parkland and sporting areas and are therefore acceptable.

Police Scotland suggest that principles of the Secured by Design status are incorporated into the design proposals. The velodrome and BMX track will be enclosed by robust security fence 3 metres high - with gated access suitable for bikes only. The proposed 3G pitches will also be fenced to aid delineation between the public and private spaces. Therefore the design proposals of the facilities are acceptable.



## **c) Landscaping and landscape setting, key views and trees**

### Impact on key views

The Edinburgh Design Guidance (January 2018) identifies a series of key views across the city. This helps assess the impact of proposals on the skyline, and is supported by LDP Policy Des 11 (Tall Buildings - Skyline and Key Views). In this instance, the site is within the viewcone of view S19 (Castle, Hub Spire and Old Town from the A68). In assessing the proposals against this view, the velodrome is within the viewcone, however the main impact would be from the floodlighting columns and the proposed fencing. Therefore floodlights do not eliminate the views. The applicant has submitted the view from the sports pitches which illustrate that Arthurs Seat can still be viewed across the Parkland following completion of the velodrome. Key views towards Arthurs Seat are still retained for most of the park particularly the area in front of the Jack Kane Centre. Therefore the proposals are acceptable in this instance.

### Landscape Design

Policy Des 8 (Public Realm and Landscape Design) states that external spaces and features should be designed as an integral part of the scheme as a whole. A landscape masterplan has been submitted to provide a cohesive landscape framework for the whole park incorporating the new facilities sensitively into the park landscape. This includes a coordinated palette of materials for the proposal facilities, enclosures, and paths which are appropriate in a parkland setting. The current landscaping of trees and grass is retained and consideration has been given to the tree planting to provide a setting for the additional facilities as discussed below.

The existing trees are of moderate quality when considered individually, and when considered as a whole they form a landscape feature of high value and with an extensive visual impact surrounding the parkland from outside views. Within the park, large specimen parkland trees and remnants of the tree lined access routes are evidence of the historic designed landscape which was part of the grounds of Niddrie Marischal House and remain as important indicators of the areas parkland history. Therefore the proposals are in accordance with Policy Des 8.

### Trees

LDP Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on any tree worthy of retention, unless necessary for arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The submitted tree survey and plans have been assessed. The proposed trees to be removed are directly related to the proposed works.

The main area of tree removal is Area A on the northern boundary woodland as part of essential works required to incorporate the BMX track. Other options have been discussed but rejected as the track position cannot be altered due to the other site constraints outlined above. The removal of Area A is only a small strip (10 trees as outlined above) of the full width of woodland in this area and could be compensated by replacement planting to safeguard the remainder of the woodland once the track is completed, as well as replacement planting elsewhere on site. The loss of any trees on site is regrettable however the location of the BMX track is fixed as it is the only place it can go. Three trees also require to be felled to accommodate the proposed car park access and layout. The loss of these trees is also regrettable however would facilitate improved access to the Jack Kane Centre for a wider range of users.

A condition is required to secure proposed tree planting. Currently 24 proposed trees comprising girth of 18-20 cm, height minimum 450 cm, are to be in two main locations, around the proposed car parking area and between the Jack Kane Centre and the proposed BMX track. It is considered necessary and reasonable to ensure that new planting on a like for like basis is included by condition. It is also considered reasonable to require planting in the vicinity of Area A to preserve this woodland buffer as well as in locations to reinforce the remnants of the parkland setting commensurate with the Council's wider tree management of the site. A condition would also be required to safeguard existing trees throughout construction. Therefore on balance, no objection under policy Env 12 (Trees).

### Ecology

Policy Des 3 and the Edinburgh Design Guidance Chapter 3 aim to identify opportunities, through development, to enhance local biodiversity. This also accords with the Edinburgh Biodiversity Action Plan 2016-18. Therefore on areas of new proposed grass seeding (including the existing pump track), due consideration should be given to using the Edinburgh Meadow Mix and an informative is added to this end. An informative would also be added regarding breeding birds and vegetation clearance.

The Niddrie Burn and Local Nature Conservation Site are within the application site. In order to protect the ecological value within 30 metres of the river and water environment itself, protective measures are required during construction which could be ensured by condition. Therefore the ecological impact of the development is acceptable and complies with policy Des 3.

### **d) Neighbouring amenity**

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, lighting, daylight, sunlight, privacy or immediate outlook.

## Noise

The existing use as a sports centre with outdoor pitch facilities is intensified by the addition of outdoor cycle facilities and additional pitches. The facilities will be available for the same hours of opening as the existing Jack Kane Centre and no PA system is proposed currently. The B4142 assessment has been carried out at the nearest noise sensitive dwellings when all the facilities are in use at the same time. The predicted ratings show low/slight impact outside properties on Niddrie Marischal Road, and low impact on Niddrie Mains Road with an adverse impact experienced outside Great Carleton Place and Wisp Green.

The BS 8233 assessment shows that the predicted internal noise levels inside dwellings on Great Carleton Place, Niddrie Marischal Road, and Niddrie Mains Road meet the internal noise criteria with Wisp Green exceeding it by a marginal 1 dB. However, the existing noise levels are high such that the predicted noise from the facilities would be insignificant in affecting the internal noise levels in dwellings at Wisp Green.

A Technical Advice Note assessment has also been carried out on the basis of all the facilities in use at the same time and shows that a slight level of significance will be experienced at Great Carleton Place and Niddrie Marischal Road, with Niddrie Mains Road and Wisp Green experiencing a neutral level of significance. The noise assessment states that no mitigation measures are proposed. Environmental Protection has raised no objection based on the Noise Impact Assessment submitted.

Therefore the proposed impacts in terms of noise are acceptable.

## Lighting

The proposed floodlighting includes eight 15m high floodlights to the velodrome, size 13.5m high floodlights to the BMX track, and eight 15 m high floodlights to the 3G pitches. The floodlights are positioned and angled such that the illuminance is targeted onto the tracks or playing surfaces within minimal overspill into adjacent housing areas. The floodlighting proposals have been assessed by Environmental Protection and are acceptable.

The proposals are therefore acceptable and are in accordance with LDP policy Des 5 (Amenity).

## Daylight, Sunlight, Privacy and Outlook

The facilities themselves are well screened and some distance from neighbours such that they would not result in a loss of sunlight or daylight, privacy or immediate outlook and therefore the amenity of neighbours is not adversely affected. The design is such that the facilities can be used by beginners and alterations to the Jack Kane Centre to improve access for all users. Community security is important in this area and the car parking and cycle parking will be provided close to the Jack Kane centre. The proposed path network will allow for natural surveillance over all the footpaths and open areas.

The proposals are therefore acceptable and are in accordance with LDP policy Des 5.

## **e) Infrastructure**

### Access and Parking

LDP Policy Tra 1 (Local of Major Travel Generating Development) states that planning permission for major development which would generate significant travel demand will be permitted on suitable sites, having regard to the accessibility of the site by modes other than the car, the contribution the proposal makes to the Local Transport Strategy objectives and the effect on targets in respect of overall travel patterns and car use, and the impact of any travel demand generated by the new development on the existing road and public transport networks.

In accordance with the Council's Local Transport Strategy Travplan 3 policy, and policy Tra 1 (Location of Major Travel Generating Development), it is considered necessary and reasonable to ask for a bespoke Travel Plan to be prepared by the applicant and secured by condition. The travel plan's overall aim would be to reduce the number of journeys made by car. It should include information on accessing the facilities by public transport, cycling and walking as well as timetables for local public transport. This information could be publicised in connection with proposed events. This is acceptable in accordance with Policy Tra 1.

### Access

The Edinburgh Street Design Guidance aims to achieve coherence and co-ordination across the city, with the ultimate goal of providing the people of Edinburgh with a high quality network of vibrant, safe, attractive, effective and enjoyable streets. It provides Edinburgh-specific guidance, fully embracing the protocol and principles set out in the Scottish Government's 'Designing Streets' Policy. The main pedestrian and cycle access from Niddrie Mains Road will remain as will the existing pedestrian and cycle accesses from the Wisp to the east. Pedestrian access is also available from Niddrie House Drive to the west and Hammond Place to the south. Further cycle access is being implemented from the south and west in conjunction with the housing developments.

The primary vehicle access to the site is from Niddrie Mains Road using the existing access road which will accommodate the vast majority of visitors. Parking and access improvements are proposed including kerb reconfigurations and entrance road realignment to facilitate buses dropping off school groups and sports teams at the centre, turning around the community garden. Vehicle access to specific areas of the park will be restricted in order to help prevent the use of off road motorcycles being used on the new sports facilities. Where possible motorcycle prevention gates will be installed.

The site is also accessible by public transport. There are four bus services which serve the route (2, 21, 30 and N30) and stop directly outside the facility allowing for easy access. The local train station at Newcraighall is a 20 minute walk from the facility and provides links to Waverley and other stations.

## Parking

LDP Policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance. There are no current Council car parking standards for this type of leisure /sport development. The purpose of policy Tra 2 is to ensure car parking is tailored to local circumstances, including location, public transport accessibility and economic needs, but generally fulfil the wider strategy of encouraging sustainable, non-car modes. In this area, Hunters Hall Park is very well served in terms of public transport. There are also a range of local shops and amenities within walking distance.

The Transport Statement submitted in support of the application indicated that the car parking provision has been increased to suit the anticipated number of users to the building following completion of the works. There is a proposed ratio of 1 car space per 8 users. The extended car park and existing parking can account for 85 spaces. On a day to day basis the likelihood is that these spaces will not all be full but should a large event be taking place parking will be available on the grass to the south of the car park. The grass overflow area covers 30 spaces achieving the parking number of 115 for events and could be used for coach parking if required. Parking management requires control gates to the overflow grass area to allow its use only when needed and to restrict motorcycle users access to that part of the site.

Amendments have been made to the cycle, motorcycle, disabled parking spaces and the inclusion of electric vehicle charging points. Cycle parking is now undercover and secure adjacent to the building as suggested by Police Scotland. Six motorcycle spaces are provided as well as nine disabled parking spaces. A mini-bus drop off point is also available next to the building and a dedicated parking area for two coaches is provided. Therefore these proposals are considered acceptable.

## Connections

Policy Tra 9 (Cycle and Footpath Network) requires cycle and pedestrian connections. The proposals maintain the existing connections across the site and provide new multi-user links to the proposed facilities. Further proposals are being brought forward in line with the proposed housing developments to the south. This is acceptable.

The application site is well served by public transport and has a number of local connections for walking and cycling too. The bespoke travel plan will encourage users to use public transport. The access arrangements and enlarged car parking area are to facilitate the use of the development by school and community groups as well as improving access for all through the provision of disabled car parking spaces. The use of a main car park area with overflow car parking area to increase capacity for events if required, allows flexibility, minimises permanent car parking spaces, whilst meeting day to day needs. These proposals are acceptable in transport terms.

## **f) Other material considerations**

### Site Investigation/Land Contamination

The Coal Authority objected initially to this planning application on the basis of the submitted Geo-environmental Desk Study Report. The submitted Mineral Outcrops Plan and statement explains the rationale behind the location of the proposed velodrome. The position of the velodrome is west of the conjectured positions of four coal outcrops, which dip to the southeast and that the remaining outcrop to the west would be sufficient far enough away to place the coal at a depth that, if worked, would not influence ground stability. Therefore the Coal Authority, in the light of this information, withdrew its objection. A condition is now required that mitigation measures are implemented to safeguard stability with the proposed methodology as detailed in the report. The conclusions of the submitted information that no further works are required with regards to assessing the risk of mineral instability, however should the proposed methodology alter, then further consultation with the Coal Authority is required to be secured by condition.

Environmental Protection is prepared to accept the information altogether supplied as being sufficient to enable the Local Authority to determine with reasonable confidence that the land defined by the application is in a suitable condition for the intended use. Therefore, further information or the use of a future planning condition to request additional site investigation is not considered to be necessary.

### Flooding and Drainage

A Drainage Impact Assessment has been submitted to demonstrate that the proposed development will not be at an unacceptable level of Flood Risk, can be drained in a sustainable manner, and will not increase the risk of flooding elsewhere. The strategy will ensure that flow of surface water from the development into the public system is minimised and will be limited to 5 l/s/ha with all design parameters agreed with SEPA and City of Edinburgh Council. The proposed drainage design satisfies all elements of the current guidelines with regards to impacting on the existing sewers network and surrounding areas. Scottish Water has no objection to the proposals.

### Flooding

Most of the site is outwith the area at risk of a 1 in 200 year fluvial flood event however, there is a small section at the south-east of the site which is not affected by the proposals as it is also outwith the grass pitches area; and a low lying area on the eastern boundary to the south of the building which will not be affected by the development proposals.

The application site includes Niddrie Burn to the west. Flooding is noted adjacent to the Niddrie Burn however this watercourse is located in a valley and as such any flooding should be contained within the valley and not affect the proposed development. The Jack Kane Centre is approximately 6 metres above the Niddrie Burn bed level. The pitches closest to the Niddrie Burn would appear to be around 5 metres above the nearby bed level of the Niddrie Burn. There does not appear to be any changes to existing ground levels comparing the pre and post development site levels which will ensure that there is no loss of flood plain storage/conveyance and hence no increase in flood risk elsewhere.

Pluvial flooding may be an issue during earthwork construction as exposed sub soil has reduced ability to percolate rainwater. Following development completion, the surface water system will be designed to store all rainwater on site. CEC Flooding has no objection to these proposals and do not seek conditions nor informatives on this development. SEPA also raise no objection to this application.

Therefore the proposals are acceptable in terms of flooding and drainage.

### Archaeology

LDP Policy Env 9 relates to the development of sites of archaeological significance. The policy states that planning permission will be granted for development on sites of known archaeological significance, on the basis that certain criteria are met. The criteria relate to the extent of archaeological features on the site, and whether they can be preserved in situ. Hunter's Hall Park and the Jack Kane Centre occupy the southern and eastern grounds of the formal estate grounds surrounding Niddrie Marischal House which was demolished in the 1960's.

The proposals will require significant ground breaking works which are likely to disturb significant remains dating back to the medieval period. As such it is essential that an archaeological mitigation strategy is undertaken prior to development. This will require a phased archaeological programme of works. The initial phase being an archaeological evaluation. The results of the evaluation will determine the scale of further archaeological mitigation across the site. It is recommended the above programmes of archaeological work should be secured by an appropriate condition, and this is in accordance with LDP Policy Env 9.

### Waste

It is proposed that waste bins would be provided at the BMX track and velodrome track and maintained and managed as part of the Jack Kane Centre. Waste and Cleansing have raised no objection to these proposals.

The proposals are acceptable in terms of waste arrangements.

## **g) Public comments**

### **Material comments**

- refurbishment of Jack Kane Centre is well overdue; support redevelopment of sports centre (assessed in 3.3 (a) above);
- traffic - impact on Niddrie Mains Road; traffic survey (assessed in 3.3 (e) above);
- cycle access - inadequate representation of cycle access in the documentation - cycle access to venue; active travel provision; no link from access from north east (Niddrie Mains Road/The Wisp junction) to centre itself; new path and signs required; access from The Wisp is overgrown and unattractive and no signage; informal access further south is over a ditch and also unattractive - needs remedied and signs; lack of access from the south to Hunter's Hall Park (former track cut off by housing developments, now narrow and overgrown, blocked by housing developments and roadside barrier, was Right of Way; no access from new housing developments (assessed in 3.3 (e) above);
- more potential access to Hunter's Hall Park than evident in documentation; - Hunter's Hall Park has a value in its own right; along eastern edge is a belt of woodland and a well formed path runs north-south through woodland and a path parallel in the open; paths need upgrading, signage and publicity; restore east - west route from RIE; path along Niddrie Burn whin-path could be upgraded in reasonable condition; could upgrade planting along Burn; cut grass so Burn can be seen (assessed in 3.3 (e) above);
- Council policies supporting walking, cycling and active travel - important that any Council owned facility should be seen to be giving priority to the implementation of its own policies (assessed in 3.3 (e) above);
- Quiet route 61 - runs from Lasswade Road to the Innocent Path at Niddrie - to follow street through Greendykes - an alternative via Hunter's Hall Park and Jack Kane Centre would provide a more off- road and more scenic route; upgrading of the tracks and signs would have a wider benefit of a longer route (assessed in 3.3 (e) above); and
- provision of good cycle access - SPOKES would like the current application to ensure that all possible means are taken to provide good cycle access to and from the Jack Kane Centre and especially via Hunter's Hall Park to the new housing to the south, together with possible through route from the ERI to Niddrie Mains Road (assessed in 3.3 (e) above).

### **Non-material comments**

- project not of much interest to the people of Craigmillar or Niddrie;
- Right of Way - severance - this not part of the current planning application and, therefore cannot be considered;
- users - will mostly be locals; and



- costs - costs would be modest in relation to benefits.

## **Community Council**

Craigmillar Community Council was consulted and did not comment on the application.

### **h) Equalities and human rights**

An Equalities and Rights Impact Assessment has been carried out. There are no issues of equalities and rights due to the fact that the proposals involve alterations to the buildings to accommodate a wide range of users. The open space on site is also fully accessible. A copy of the full assessment can be viewed on the Planning and Building Standards Online Service.

### **i) Sustainability**

The applicant has completed an S1 form in support of the application as it is a development with a site area exceeding 2 ha. However the proposals relate to engineering works, and refurbishment works to the Jack Kane Centre. In terms of policy Des 6 the refurbishment of the Jack Kane centre would reduce its carbon dioxide emissions. The sustainable urban drainage measures have been incorporated into the surface water management plan. The provision of facilities for waste include the provision of bin storage at the BMX track and Velodrome which will be included within the current arrangements for waste facilities at the Jack Kane Centre. The proposals include cycle parking and provision of changing facilities would be available in the centre. Therefore, on balance, no objection under Policy Des 6 Sustainable buildings.

## **Conclusion**

The proposed development is acceptable in principle and in accordance with the Local Development Plan (LDP). The proposals are an intensification of the existing sports and recreational facilities within Hunters Hall Park. The site constraints and mining legacy have largely influenced the layout and siting. However, the proposed design does make use of the topography of the area, boundary screening woodland and the location in proximity to Jack Kane Centre. The proposed materials also are compatible with this parkland setting. The issues of noise and floodlighting have been addressed to ensure sufficient amenity for neighbours. The car parking layout has been designed to provide for day to day car parking use with capacity for overflow car parking as required.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. Details of the proposed trees to be planted, including, species, height and girth shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

2. The proposed replacement tree planting should be implemented within one planting season of the proposed works commencing on site or within six months of the opening of the either the BMX track, or velodrome, whichever is the sooner.
3. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction".
4. Prior to the commencement of development, protective measures are required to be submitted for approval by the Planning Authority, and installed on site, within 30 metres of the Niddrie Burn and to be retained in situ for the duration of the construction of the proposed works.
5. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Excavation, reporting and analysis, publication, interpretation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
6. The proposed development methodology for the velodrome will include the mitigation measures as set out in the email dated 30th January 2017 from Woolgar Hunter:
  - (1) An earthworks exercise consisting of cutting areas of the site and upfilling other sections;
  - (2) As part of the earthworks the proposed veldrome will be formed with this feature being an earth feature, as opposed to a concrete/steel structure;
  - (3) The only element of the structure that will be 'hard' will be the proposed track; which will either be tarmac or gravel; and
  - (4) As a precautionary measure it is considered that a geogrid be placed across the formation of the veldrome.
7. No part of the development shall be occupied until a draft Travel Plan setting out measures to promote walking, cycling and the use of public transport has been submitted to, and approved in writing by, the planning authority. A final Travel Plan shall be submitted for the planning authority's written approval within 12 months of either the velodrome or bmx track being completed, whichever is the sooner. The plan shall be implemented in accordance with the approved details.

**Reasons:-**

1. To ensure the proposed replacement tree planting complies with the wider tree management on the site.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to safeguard protected trees.

4. To safeguard the water environment during the construction of the proposed works.
5. In order to safeguard the interests of archaeological heritage.
6. To safeguard stability and ensure that these works are integral to the development proposed and also to minimise settlement relating to the creation of the earth embankment.
7. To promote sustainable travel modes and reduce dependence on private cars.

### **Informatives**

It should be noted that:

1. 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.
2. 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.
3. Clearance of vegetation from the proposed construction area has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
4. Any connections which can be made with this application site and the aims and objectives of the Edinburgh Living landscape Project, such as using the Edinburgh Meadow Mix within the scheme, should be given due consideration.
5. For the avoidance of doubt, this permission only relates to the removal of trees as set out in Drawing Number 23.
6. Provided that the proposed works are constructed as outlined in condition 6, no further works are required with regards to assessing the risk of mineral instability. If however, the proposed methodology is altered, then these alterations are to be agreed with the Coal Authority and agreed in writing with the Planning Authority, prior to the commencement of the construction of the velodrome. These proposed measures so agreed, are also to be implemented as agreed.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The Jack Kane Centre and Hunters Hall Park are owned by City of Edinburgh Council. There are no requirements under the LDP Action Programme for off-site financial contributions. The financial implications of the proposals for the Council are reported to Culture and Communities Committee.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

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### **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**

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### **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 1 July 2016 as a departure from the development plan. Two letters of representation were received including one from SPOKES.

A full assessment of the representations can be found in the main report in the Assessment section.

Community consultation and engagement took place. A public exhibition took place from 7 October 2014 to 14 November 2014 in Craigmillar library, Jack Kane Centre, Portobello Library, East Neighbourhood Office, Portobello High School, Holy Rood High School, Castlebrae High School, Sandy's Community Centre and Cameron House. A second public exhibition was held on 25 and 26 January 2016 between 16:30 and 20:00 in the East Neighbourhood Office.

## **Background reading/external references**

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

## Statutory Development

### Plan Provision

The application site is identified in the Local Development Plan as protected open space. A local nature conservation site is located in the north-west corner. There are three Transport Proposals and Safeguards near the site: Transport Proposal T1 - tram safeguard - is found along Niddrie Mains Road to the north of the site, T7 - Various off-road cycle/footpaths links - is proposed to link a cycle/footpath into the sites at its south eastern corner and T15 West of Fort Kinnaird road to The Wisp is to the east of the site.

### Date registered

22 June 2016

### Drawing numbers/Scheme

01-24,

Scheme 1

## David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## Links - Policies

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### Relevant Policies:

#### Relevant policies of the Local Development Plan.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 19 (The Protection of Outdoor Sports Facilities) sets criteria for assessing the loss of outdoor sports facilities.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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 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 Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

## **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'The Craigmillar Urban Design Framework' sets out a vision and principles for development of the Craigmillar area.

**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.

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.



# Appendix 1

**Application for Planning Permission 16/03107/FUL  
At Jack Kane Community Centre, Jack Kane Sports Centre,  
Hunters Hall Public Park  
Construction of a new outdoor velodrome bmx track pump  
track and 3G pitches. Refurbishment of the Jack Kane  
Centre building. Demolition of derelict janitors houses.  
Construction of new car parking and associated access  
routes and paths as well as improvements to existing car  
parking and paths (as amended).**

## Consultations

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### Communities and Families

6 July 2016

*Comments below from Communities and Families regarding the planning application at Hunter's Hall park (16/03107/FUL):*

*The Council's Proposed Local Development Plan indicates that land at the south west corner of the application site could be used for a new primary school if one was required to serve the New Greendykes housing development*

*There is potential to extend existing schools in the area and therefore there are no current plans to progress the delivery of a new primary school at this location, however this could still be an option in the future.*

*A grass pitch is proposed at the eastern end of the land indicatively identified for the potential new school, however the applicant's Design and Access Statement confirms that 'the position of this school and surrounding grounds would remain unaffected' by the proposal.*

*Communities and Families has no objection to the proposal provided that it does not prejudice the opportunity to deliver a new primary school (if it is required) in the location identified by the Council's Proposed Local Development Plan.*

### Archaeology

07 July 2016

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for the construction of a new outdoor velodrome, BMX track, pump track, 3G pitches, refurbishment of Jack Kane Centre building, demolition of derelict Janitors houses, construction of new car-parking and associated access routes, paths and improvements to existing car-parking and paths.*

*Hunter's Hall Park and Jack Kane centre occupy the southern and eastern grounds of the formal estate grounds surrounding Niddrie Marischal House. This historic early 17th century mansion formerly stood on the opposing western side of the Niddrie burn until demolished in the 1960's. Evidence suggests that this later house stood on the site of and may have included at its core the remains of an earlier medieval Tower House. Medieval quarry pits dating to the 13th/14th centuries found during the construction of the new Niddrie burn close to the Ice House provide direct evidence for occupation of the estate during this period. These excavations also produced evidence for the operation of the 17th-20th century estate including the remains of an earlier 'home farm' to the west of the one indicated in the 1st Edition OS map located to the south of the Jack Kane Centre.*

*This application must be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN2/201, Historic Environment Scotland Policy Statement (HESPS) 2016 and also CEC's Edinburgh City Local Plan and ELDP Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

#### *Buried Archaeology:*

*The construction of the proposed new Velodrome, BMX & Pump Tracks, new 3G pitches and associated new car-parking an access routes and paths will require significant ground breaking works which are likely to disturb significant remains dating back to the medieval period. As such it is essential that an archaeological mitigation strategy is undertaken prior to development.*

*In essence this strategy will require the undertaking of a phased programme of archaeological investigation, the first phase of which will be the undertaking of an archaeological evaluation (10%) of the main areas of new construction. The results from this initial phase of work will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording of any surviving archaeological remains prior to construction commencing.*

#### *Public Engagement/Interpretation:*

*In addition, as stated the site has the potential for unearthing important archaeological remains relating to the development of the Niddrie Marischal Estate. Accordingly it is essential that the archaeological mitigation strategy contain provision for public/community engagement (e.g. site open days, viewing points, temporary interpretation boards), the scope of which will be agreed with CECAS.*

*It is recommended that these programmes of work be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;*

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

## **Tram**

8 July 2016

*Thanks for the copy of this planning application, we have no comment to make.*

## **Police Scotland**

21 July 2016

*Further to our meeting on 18th March 2016 regarding the above planning application. I would like to take this opportunity to thank you on behalf of Police Scotland for inviting me to view the plans and comment on what is an exciting proposal, which represents a significant improvement to existing facilities at the Jack Kane Centre and Hunters Hall Park. When refitting the existing Jack Kane Sports Centre and creating the car park, consideration should be given to the following:*

- To achieve Secured By Design status, replacement ground floor and easily accessible windows and doors must meet the PAS 24 standard.*
- Secured By Design recommends that glazed curtain walling be secured using a secure glazing retention system. The method of retaining the glass must include one or more of the following:*
  - Security glazing tape.*
  - Dedicated security sealing or gasket.*
  - A secure mechanical fixing system.*
- The existing monitored alarm and CCTV systems should be audited to ensure they have adequate coverage and are fit for purpose.*

*Thefts of motorcycles are a concern in the City Of Edinburgh. Should motorcycle-parking bays be provided within the proposed car park, these should be created in an area that is overlooked by the main building. Secure anchor points certified to Sold Secure Silver Standard should be provided for motorcycles. Full information regarding Sold Secure products can be found at: [www.soldsecure.com](http://www.soldsecure.com)*

- Given the nature of the proposed development, it is highly likely that there will be an increase in cyclists using the facilities. With this in mind, we strongly recommend that secure bicycle storage is provided on site. External and preferably roofed bicycle stores with individual stands for securing bikes are best located close to supervised areas of the main building. Bicycle storage should be covered by lighting and available CCTV.*

*Cycle stands should facilitate the locking of both wheels and the crossbar of any pedal cycle. Minimum requirements for such equipment are:*

- Galvanised steel bar construction (minimum thickness 3mm) filled with concrete.*

- *Minimum foundation depth of 300mm with welded anchor bar*  
Additional cycle locking facilities should be provided in the vicinity of the cycle tracks. Further information about secure bicycle storage can be found at the following resource section of the 'Bikeoff' website: [www.bikeoff/design\\_resource](http://www.bikeoff/design_resource)

*Hunters Hall Park has historically had issues with illegal use of motorcycles and unauthorised Gypsy Traveller encampments. Gypsy Travellers have set up camp in the park on a number of occasions in recent years, which has had a detrimental effect on park users. The park, tracks*

*adjacent to the Niddrie Burn and other areas around the Jack Kane Centre are regularly used by off road motorcyclists and as a shortcut by motorcycle users between the Craigmillar area and the Bing on the South side of The Wisp. There is a risk that motorcyclists may be tempted to use the BMX and cycling facilities proposed for the site with a potential for costly damage. We strongly advise the implementation of robust security measures to minimise this risk:*

- *It is my understanding that the main track will be a competition track for professional use only and access to the general public will not normally be permitted. It is crucial that a robust security fence is installed here to prevent unauthorised access.*

*The fence should be approximately 3 metres in height and be capable of raking and stepping to maintain height over different ground levels without creating gaps underneath. Ideally vertical wires of the fence would protrude slightly at the top to provide a visually inoffensive yet effective anti-climb measure. All steel used in the manufacture of the fence should be galvanised to BS EN1461 with a service life in excess of 25 years. All gates installed within a secure fencing system must be certificated to the same standard as the adjoining fence.*

- *The pump track will have restricted public access. This track should also be enclosed with a fence similar in specification to the main track fence. The fence should segregate both tracks with gates installed to allow simultaneous use during competitions.*

- *Given the specialist track surface proposed for the outdoor velodrome, unauthorised use by inappropriate vehicles could cause damage that would be particularly expensive to repair. This track also requires a robust security fence similar in specification to the main BMX track fence. I understand that the internal crash barrier will enhance security here in terms of motorcycle mitigation.*

- *The proposed 3G sports pitches should be appropriately fenced. While these facilities don't necessarily require the same level of security as the bike tracks, fencing should still be used to delineate between public and private space with lockable gates where appropriate.*

- *Sports pavilions and spectator shelters, particularly when these are built remotely from the main sports centre require to be constructed in non-combustible materials.*

- *It is my understanding that a small network of paths will be used to connect the various on-site facilities. These paths should be lit and consideration given to motorcycle mitigation measures wherever appropriate.*

- *There should be a comprehensive lighting strategy to ensure paths, roads, parking spaces and entrances/exits to buildings are illuminated to an adequate level. All street lighting for both adopted highways and footpaths, private estate roads, footpaths and car parks should comply with BS 5489:2013. Lighting should be matched to use and available surveillance.*

*To limit the potential for light pollution, only luminaries with suitable photometry serving to reduce light over spill and upward light should be used. Lit bollards should be avoided as a sole source of lighting. While ideal when used to mark routes and footpaths, they rarely provide enough light to allow pedestrians to effectively detect the presence or recognise the behaviour and intentions of other pedestrians. Bollard lighting can also be prone to vandalism.*

*Illumination of facilities will inevitably draw local attention to them at night. Lighting requires to be coordinated with actual occupation and use of each facility, such as evening community use, to avoid wasting energy and unwanted attention at times when there are no users or appropriate staff present.*

- *Vehicle mitigation measures should be considered along the main drive from Niddrie Mains Road to restrict vehicular access to the park. In the past, groups setting up unauthorised encampments have gained access here. Robust planting or a ditch and bund arrangement could help restrict unauthorised access.*

*The foregoing recommendations are aimed at reducing the risk of criminal intrusion and anti-social behaviour as far as possible taking into account various factors. With this in mind, however, no measure can ever be guaranteed to be infallible. Police Scotland do not recommend or endorse specific products or companies. Any product used should, where possible, be endorsed as part of the 'Secured By Design' and 'Sold Secure' criteria.*

## **Edinburgh Access Panel**

25 July 2016

*I write on behalf of Edinburgh Access Panel in connection with the above Planning Application at The Jack Kane Centre, Hunters Hall, Edinburgh. The Panel was not able to see the full extent of the refurbishment in the drawings however it welcomes the introduction of accessible lifts and simplification of the layout. In addition we would like to raise the need for the following features/spaces which would enhance the existing provision:*

- *Clear designation of parking spaces to be considered in line with best practice and not on minimum standards as per the Building Regulations. We are of the view that 4 spaces is not sufficient for a sports facility of this size particularly when para team sports have the potential to grow.*
- *Defined external routes for people with visual impairments*
- *Spaces for assistance dogs- particularly designated dog toileting areas for blind cyclists*
- *Accessible benches in the park and leading to the proposed velodrome and areas where resting may be required for spectators with mobility difficulties*
- *Accessible reception and provision of induction loops where key information is given.*
- *Parking/shelter for adapted cycles*

- *Clear Signage in line with the Sign Design Guide*
- *Careful consideration of uniform lighting in the existing sports centre*
- *The provision of a Changing Places facility (reference PAMIS/Changing Places Campaign)*
- *Mix of inclusive and discrete changing for disabled people*
- *Inclusive Fitness Equipment*

*In addition, the Access Panel would welcome the project team to discuss the design in more detail at any of its forthcoming Access Panel meetings held in Waverley Court.*

## **Sports Scotland**

31 August 2016

*As you know we have spoken to the Council's Sports Manager and the SFA - who contacted the amateur association regarding existing use of football pitches and how this may be affected by the proposals. Following these discussions we are comfortable that the proposals will be able to service existing users and that overall, the playing capacity of the site will be maintained or improved, in accordance with SPP paragraph 226.*

*Accordingly I confirm that sportscotland does not object to these proposals.*

*We note that the existing grass pitches were not specifically constructed as such (with this relating to levels, drainage etc), but if there is any opportunity for the proposed grass pitches to be improved then this would be welcomed. We also note that the Project team will work with users of the site to minimise disruption to users, and welcome this approach.*

## **Waste and Cleansing**

12 September 2018

*Happy with this. As long as all the waste streams are covered.*

12 July 2016

*I have been asked to provide feedback on this application on behalf of the Waste Management Service.*

*Clearly the plans relate to the development of the new Jack Kane Centre. However I have not been able to find any mention whatsoever of the arrangements for managing waste in these plans, to the extent that the relevant part of the Sustainability Statement has been left blank.*

*At the current site, which is operated by Edinburgh Leisure, the waste from that part of the building is managed by a private contractor, under contract to Edinburgh Leisure. However my understanding is that Waste Services operate the waste collection to the adjacent community centre.*

*I am not clear whether there will continue to be a Council operated Community Centre here. However if there is then it may be that Waste Services will continue to be the waste provider for that part of the site, and a private contractor for the Edinburgh Leisure side.*

*If there is any expectation whatsoever that Waste Services will be required to participate in managing waste at this location, the developer needs to be engaging as a matter of urgency with our Community Waste team as the site will require to provide access which is compliant with the needs of our collection team, in terms of size, health and safety, etc. Moreover they will be required to comply with the Council's policy of segregating their waste for recycling.*

*Regardless of this, the operators of the property will be required to comply with the Waste (Scotland) Regulations which mean that both within and outwith the building there is now a legal requirement to sort specified waste streams for recycling, and of course any private contractor providing waste services to this site will have similar requirements to ourselves in relation to safety, access, etc.*

*Unless I have missed it (but I don't think I have!!) I am concerned that I have been unable to find any information in relation to waste management and I would certainly advise you to raise this with the developer.*

## **Roads Authority**

5 September 2018

*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 a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a display capable of showing real time public transport information;*
- 2. Cycle parking should be provided in secure and undercover locations (see Note b. below). The number of spaces should be reviewed and increased in line with demand;*
- 3. Motorcycle parking should be provided at 1 space per 20 car parking spaces, i.e. 6 spaces (out of 115);*
- 4. Disabled parking spaces should be provided at 8% of total parking spaces, i.e. 9 spaces (out of 115);*
- 5. Electric vehicle charging points should be provided at 1 in 6 of total spaces, i.e. 19 spaces (out of 115);*
- 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 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.*

Note:

a. There are no current Council car parking standards for this type of leisure /sport development. The proposed ratio of 1 car space per 8 users results in total of 115 spaces for the maximum expected 924 participants. The applicant states that this will be provided in an expanded car park of 85 spaces (currently 42) with a further 30 spaces provided in an overflow car park. This latter to be used for coach parking if required. The proposals are considered acceptable;

b. There are no current Council cycle or motorcycle parking standards for this type of leisure development. The applicant is expected to provide cycle parking which is: directly and safely accessible; sited close to the main entrance; under cover; and ensure that cycles can be securely locked through the frame and wheels. Motorcycle parking for leisure developments is generally 1 per 20 car parking spaces.

20 December 2016

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

1. 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 Planning and 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 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport;

Note:

- There are no current Council car parking standards for this type of leisure development. The proposed ratio of 1 car space per 8 users results in total of 115 spaces for the maximum expected 924 participants. The applicant states that this will be provided in an expanded car park of 85 spaces (currently 42) with a further 30 spaces provided in an overflow car park. This latter to be used for coach parking if require. The proposals are considered acceptable.

- There are no current Council cycle parking standards for this type of leisure development. The applicant is expected to provide cycle parking which is: directly and safely accessible; sited close to the main entrance; under cover; and ensure that cycles can be securely locked through the frame and wheels.

## **The Coal Authority**

22 February 2017

I refer to the email from the agent (Craig Laughlan) acting on behalf of the applicant, submitted to The Coal Authority on 30 January 2017, which includes both a Mineral Outcrops Plan and statement providing a reasoning as to the rationale behind the chosen position of the proposed velodrome. The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. The Coal Authority Response: Material Consideration.



*The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site has been subject to recorded underground coal mining at shallow depth. Our records indicate that a worked coal seam underlies the site at a depth of only 13m with an extraction thickness of 1.3m, which was last worked in 1923.*

*The application site is also likely to have been subject to unrecorded underground coal mining at shallow depth and our records indicate a number of recorded mine entries (shafts) within the vicinity of the site. There has also been one reported surface hazard within 50m of the planning boundary. The Coal Authority has previously objected to this planning application on more than one occasion, the most recent in a letter to the LPA dated 12 August 2016. On that occasion, and on the basis that the submitted Geo-environmental Desk Study Report (30 August 2015, prepared by Woolgar Hunter) reached the same conclusions as the previously submitted supporting information (i.e. that the installation alone of a geotextile across the formation level of all development areas would safeguard the development) we maintained our objection.*

*The Coal Authority is therefore now pleased to note the submitted Mineral Outcrops Plan and statement provided in an email dated 30 January 2017 from Woolgar Hunter, the content of which attempts to provide reasoning as to the rationale behind the chosen position of the proposed velodrome. In considering that both the statement and accompanying plan confirm the position of the velodrome west of the conjectured positions of four coal outcrops, which dip to the southeast, and that the remaining outcrop to the west would be sufficiently far enough away to place the coal at a depth, that if worked would not influence ground stability, The Coal Authority withdraws its objection to this planning application.*

*Notwithstanding the above, in considering; the ratio between the extraction thickness of the workings and the depth of competent rock cover; the conclusions of the supporting information provided (i.e. that no further works are required with regards to assessing the*

*risk of mineral instability), along with the proposed mitigation measures to further safeguard stability, The Coal Authority considers that the imposition of a planning condition to ensure that the mitigation measures are implemented would be appropriate.*

#### *The Coal Authority Recommendation to the LPA*

*The Coal Authority is satisfied that the proposed measures as detailed in the email dated 30 January 2017 from Woolgar Hunter); to mitigate the risks posed by coal mining legacy are appropriate. The Coal Authority therefore withdraws its objection to the proposed*

*development. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development, to ensure that these works are integral to the development proposed.*

15 December 2016

*I refer to the email from the agent (Craig Laughlan) acting on behalf of the applicant, submitted to The Coal Authority on 27 July 2016, which includes a Geo-environmental Desk Study (30 August 2015, prepared by Woolgar Hunter) in support of the above planning application.*

*The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.*

*The Coal Authority Response: Substantive Concern*

*The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.*

*The Coal Authority records indicate that the site has been subject to recorded underground coal mining at shallow depth. Our records indicate that a worked coal seam underlies the site at a depth of only 13m with an extraction thickness of 1.3m, which was last worked in 1923.*

*The application site is also likely to have been subject to unrecorded underground coal mining at shallow depth and our records indicate a number of recorded mine entries (shafts) within the vicinity of the site. There has also been one reported surface hazard within 50m of the planning boundary.*

*The Coal Authority previously objected to this planning application in a letter to the LPA dated 7 July 2016. The objection was raised on the grounds that we had very serious concerns that mitigation in the way of a geotextile alone would not ensure the stability of the development, specifically the proposed velodrome, from past recorded and unrecorded shallow underground coal mining.*

*The Coal Authority now notes the submitted Geo-environmental Desk Study Report (30 August 2015, prepared by Woolgar Hunter), Sections 4 and 7 of which discuss the mining aspects of the project. However, on the basis that the Report draws the same conclusions as the previous Stage 1 Geo-Environmental Desk Study Report (i.e. the installation of a geotextile across the formation level of all development areas), The Coal Authority's concerns remain.*

*In addition, consideration to the location of the velodrome cannot now be given, as the proposed layout is for approval, which appears to contradict the suggest locations for the velodrome as identified in Figure 6 of the Geo-environmental Desk Study Report. We therefore maintain our objection to this planning application.*

*The Coal Authority Recommendation to the LPA*

*The further information submitted still fails to fully assess the risks posed by both recorded shallow mine workings and potential historic unrecorded shallow underground coal workings and the mitigation proposed is not considered adequate to ensure the stability of the proposed velodrome.*

*The applicant should assess whether or not past mining activity poses any risk to their development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive site investigation to ensure that the LPA has sufficient information to determine the planning application.*

*The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.*

*Alternatively, The Coal Authority would recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works in the area of the velodrome prior to commencement of development.*

*In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.*

*A condition should therefore require prior to the commencement of development:*

- The submission of a scheme of intrusive site investigations for approval;*
- The undertaking of that scheme of intrusive site investigations;*
- The submission of a report of findings arising from the intrusive site investigations;*
- The submission of a scheme of remedial works for approval; and*
- Implementation of those remedial works.*

*The Coal Authority objection to the proposed development could be overcome subject to the imposition of a condition or conditions to secure the above.*

## **SEPA**

4 September 2018

*We have no objection to this planning application. Please note the advice provided below.*

### *1. Flood risk*

*1.1 Review of the SEPA Flood Map indicates that the site, or parts thereof, lies within, or immediately adjacent to, the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at medium to high risk of flooding. Fluvial flood risk is identified from the Niddrie Burn in the west of the site and the Magdalene Burn to the south of the site. Surface water flooding is also predicted to impact in some areas.*

*1.2 We were consulted on this application previously and advised that as there was no increase in vulnerability of proposed land use and there did not appear to be any landraising within the functional floodplain that we had no objection to the proposals. We did state that should a Flood Risk Assessment (FRA) be carried out for the site in accordance with the design statement that we would welcome the opportunity to review the submission.*

*1.3 A FRA (dated August 2017) has now been provided in support of the proposed development. A 1D model of the Niddrie Burn has been constructed in Flood Modeller to determine the fluvial flood risk at the site from this source. We believe the design flows obtained from ReFH2 are underestimated for this catchment. A number of flood studies have been undertaken on the Niddrie Burn and higher flows predicted. However, we note that a 30% allowance for climate change has been added to the flows and the model does not take account of upstream storage areas. We also note that the predicted flood level on the Niddrie Burn is well below the level of the site and the ground levels on the opposite bank are lower than site levels and as such flood water would preferentially flood the west bank first.*

1.4 The results of the modelling indicate that the proposed development lies outwith the functional floodplain of the Niddrie Burn. No modelling has been undertaken of the Magdalene Burn although information provided indicates that site levels are higher than the watercourse and in the event of overtopping that water would flow south rather than north to the site. The proposed land use in this area is for pitches which is the same as existing and as such we do not require further assessment. We would highlight that the Magdalene Burn is culverted immediately to the southeast of the site and as such blockage at this location may cause water levels to rise in this area.

1.5 A 2D pluvial model has been constructed in Flood Modeller to determine the surface water flood risk at the site. The results correspond well to the SEPA Flood Map and show that the eastern boundary may be at flood risk and areas in the centre of the site. Flood depths are predicted to be a maximum of 0.3m. There is no new development proposed in areas of pluvial flood risk.

1.6 The Surface Water Management Plan (SWMP) provided indicates that the existing site drains to the Niddrie Burn unrestricted and there is no proposal to retrofit SUDS for these areas. Areas of new development are to have surface water runoff attenuated and discharged at brownfield runoff rates. Whilst we have no objection to proposals to discharge surface water at existing rates we would recommend that there is an opportunity for betterment by providing SUDS for the full site and discharging at greenfield rates. Any SUDS could be designed to provide amenity and biodiversity value alongside surface water management. City of Edinburgh Council should satisfy themselves that the proposed drainage measures and runoff rates will not increase runoff compared to the existing scenario.

## 2. Surface water drainage

2.1 We previously noted that the surface water drainage proposal outlined in the Drainage Impact Assessment (DIA) / SuDS Strategy dated 6 June 2016 was acceptable to us in terms of water quality as it provided the required levels of treatment for surface water run-off from this type of development.

2.2 We have now been provided with a Surface Water Management Plan (dated 6 June 2018). We advise that developers should ensure the surface water management proposals are in compliance with The Controlled Activities Regulations General Binding Rules 10 and 11 and follow the approach set out in the CIRIA SUDS Manual (C753).

2.1 We also refer your authority to our standing advice on SUDS available in the following link: [standing advice](#).

2.2 Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753). By the time of construction the applicant may also need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office if a site meets any of the criteria set out.

2.3 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, the views of your authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues.

*Detailed advice for the applicant*

### 3. Flood risk

3.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.

3.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

3.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation.

*Regulatory advice for the applicant*

### 4. Regulatory requirements

4.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

4.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

4.4 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

15 December 2016

*Thank you for your consultation email which SEPA received on 07 July 2016.*

*We have no objection to this planning application. Notwithstanding our position we would expect the City of Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

*Please note the advice provided below.*

*Advice for the planning authority*

*1. Flood risk*

*1.1 We have reviewed the information provided in this consultation and it is noted that the application site (or parts thereof) is within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of fluvial and surface water flooding.*

*1.2 Scottish Planning Policy paragraph 255 states that "The planning system should promote: a precautionary approach to flood risk from all sources including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change".*

*1.3 We have been asked to comment on minor changes to Hunters Hall Public Park to include refurbishment of a community centre, demolition of janitor's accommodation, and construction/ modifications to pitches, velodrome, and bmx track. There is no increase in vulnerability of use as area is currently used for recreational purposes.*

*1.4 We recently commented on this site as part of the local development plan and stated that "As this is designated open space we would recommend retaining existing ground levels to ensure there is no increase in flood risk as a result of floodplain loss or alterations to flow paths. Should development be proposed here we would require an FRA which assesses the risk from Niddrie Burn and Magdalene Burn. Consideration will need to be given to bridge and culvert structures within and adjacent to the site. Site will likely be heavily constrained due to flood risk. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer."*

*1.5 From the topographic information supplied as part of the Drainage Impact Assessment (06/06/2016) it would appear that the Jack Kane Centre is approximately 6 metres above the bed level of the nearby Niddrie Burn. The pitches closest to the Niddrie Burn would appear to be approximately 5 metres above the nearby bed level of the Niddrie Burn. There does not appear to be any changes to existing ground levels comparing pre- and post-development site levels. We would support this as it will ensure there is no loss of floodplain storage/ conveyance and hence no increase in flood risk elsewhere. It is unclear whether the Magdalene Burn is within or immediately adjacent to the southern site boundary as it does not appear on any of the drawings. We would strongly recommend that there are no alterations to ground levels immediately adjacent to the Magdalene Burn.*

*1.6 We would note that the Design and Access Statement (June 2016) does mention the requirement for a Flood Risk Assessment (FRA) which has not been submitted as part of the application. Should an FRA be submitted we would welcome review of the document.*

1.7 There are small pockets of surface water flooding as indicated by the SEPA Flood Map. Further investigation into the risk of surface water flooding at this site is recommended to ensure the proposed development will not be at risk of flooding and nearby existing property and infrastructure will not be at an increased risk of flooding. A detailed assessment, which should be submitted to the council, will inform areas suitable for development at this site and include details of any proposed mitigation measures.

1.8 We also recommend that contact is made with the Flood Prevention Officers within Edinburgh Council to collect any information/ local knowledge that they may possess.

## 2. Surface water drainage

2.1 The surface water drainage proposal outlined in the Drainage Impact Assessment (DIA) / SuDS Strategy dated 6 June 2016 is acceptable to us in terms of water quality as it provides the required levels of treatment for surface water run-off from this type of development. We have not considered the water quantity aspect of this scheme. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on any water quantity issues.

Detailed advice for the applicant

## 3. Flood risk

3.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

3.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>. Please note that this document should be read in conjunction Policy 41 (Part 2).

3.3 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

3.4 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

## *Regulatory advice for the applicant*

### *4. Regulatory requirements*

*4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office.*

## **CEC Flooding**

15 June 2018

*Thanks for sending these through. I've looked over it and Flood Prevention have no further comment on this application. We will not require any informatives or conditions to be attached to any determination.*

## **Environmental Assessment**

29 August 2018

*There's enough for me in this NIA to be able to make a formal response to you now with no objections.*

## **CEC Trees and Woodlands**

29 August 2018

*I've created a basic spreadsheet to compare my findings against the 2015 survey. I hope you can open this without any difficulties.*

*I've tried to colour code it to simplify the interpretation.*

*Green - No changes from the 2015 survey.*

*Orange - Amendments from the 2015 survey*

*Red - Disagreements with the 2015 survey recommendations*

*I've still got a long way to go before I've completed the survey but as you can see from the trees that I have assessed there is quite a lot of changes. There's no point paying for work which isn't required or trying to retain and work around trees which now require removal. I'll keep chipping away but as I've said it's slow progress.*

*Some other pointers that I would like to mention are;*

*The replanting plan needs to be completely reconsidered. The current spacing is poorly considered for mature tree dimensions and the specification for trees with mesh root balls is something that I would completely avoid. I've seen too many fallen trees with mesh girdling the roots to back this spec. I can provide photos to evidence the problems of mesh root balls if required.*



## Environmental Protection

13 September 2018

*I have reviewed the Site investigation reports for this application. The previous consultation not supplied by myself in 2016 appears to have raised the matter of noise levels but not land contamination. Nevertheless and in summary, I do not consider further information to be necessary to investigate the land further for land contamination, although I can provide the following comments for the main purpose of the planning consultation and also notification for the applicant with regard to this particular consideration:*

*Consideration of Land contamination;*

*Environmental Protection has assessed the following technical reports made available by the applicant for the material consideration of land contamination in connection with the general details of the proposal:*

*1. Geo-environmental Desk Study (V1.10): Woolgar Hunter Engineers: Project No: 15080-1041: 30.08.2015*

*2. Geo-environmental Development Appraisal (V10.0): Woolgar Hunter Engineers: Project No: GL 151096: 08.09.2015*

*Further to review of the documents, Environmental Protection is prepared to accept the information altogether supplied as being sufficient to enable the Local Authority to determine with reasonable confidence that the land defined by the application is in a suitable condition for the intended use. Therefore, further information or the use of a future planning condition to request additional site investigation is not considered to be necessary.*

*It should be noted that this recommendation is based upon the information supplied by the applicant and does not necessarily confirm that the land does not contain contaminants. Furthermore, the developer is responsible for safe development in accordance with guidance stipulated within Planning Advice Note 33: Development of Contaminated Land (2001).*

*In the event unreported or unexpected ground conditions are encountered during the site reprofiling phase of works that indicate the likely presence of harmful contamination: for example; suspect asbestos containing material; it is requested for site works to cease immediately while arrangements should be made with the Environmental Consultant to inspect the area of concern and for the matter to be raised with the Planning Authority to ensure safety of development. In addition, the developer is responsible for ensuring any imported material on site is clear from contamination and suitable for the specific purpose intended.*

*Should the applicant wish to discuss the condition of the land in further detail either before or during the development programme with the Local Authority, contact can be made with Environmental protection directly on 0131 4695693 or [environmetntalassessment@edinburgh.gov.uk](mailto:environmetntalassessment@edinburgh.gov.uk)*

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 26 September 2018

## Application for Planning Permission 18/04433/FUL

At 128 Lower Granton Road, Edinburgh, EH5 1EX

The proposal is for a two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures.

Item number	4.3
Report number	
Wards	B04 - Forth

## Summary

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The proposal complies with Policies Env 4 and Des 12 of the Edinburgh Local Development Plan, Non-Statutory Guidance for Householders and Non-Statutory Guidance for Listed Buildings and Conservation Areas. The first floor extension on the rear elevation of the property is an acceptable addition to the property and will provide an appropriate design finish when assessed in the context of the area.

## Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LEN04, LDES12, NSG, NSHOU, NSLBCA,
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# Report

## **Application for Planning Permission 18/04433/FUL**

**At 128 Lower Granton Road, Edinburgh, EH5 1EX**

**The proposal is for a two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures.**

### **Recommendations**

---

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

### **Background**

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#### **2.1 Site description**

The planning application relates to a C listed, two storey property with garden ground to the rear. The property forms part of a mid 19th century, long, curved 2-storey terrace built in brick as workers cottages.

The property was listed category C on 19 December 1979, listed building reference: LB29888.

#### **2.2 Site History**

3 September 2018 - An application for listed building consent for the alteration of the C listed building is pending consideration (application number: 18/06386/LBC).

### **Main report**

---

#### **3.1 Description Of The Proposal**

The proposal is to alter the facade of the existing ground floor extension from render to brick and add a first floor extension on the rear elevation of the property. It is also proposed to undertake landscaping works within the rear curtilage of the property.

The proposed landscaping works are permitted development with permission deemed to be granted. Accordingly, no further assessment will be made of its merits.

#### **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.

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 proposal is of an acceptable scale, form and design and will not have a detrimental impact on the character or appearance of the conservation area;
- b) the proposal will result in an unreasonable loss of neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and
- d) any public comments raised have been addressed.

#### **a) Scale, form and design**

The proposed first floor extension is of an acceptable scale, form and design to be an acceptable addition to the property. The design correlates with the neighbouring extension and rear extensions are a characteristic of the area. The extension will be an inconspicuous addition to the property and will not impact on the setting of the listed buildings or the visual amenity of the street.

The proposed roof form is appropriate. There are a variety of roof forms on the neighbouring extensions and the proposal is acceptable. The roof gives a clear differentiation between the new design and the existing building. The approval is subject to acceptable materials in order to preserve the traditional character of the listed building.

The extension will not have a detrimental impact on any features of special architectural or historic interest. The character of the property will be retained on the front elevation of the property and there are no significant internal features desirable to preserve.

b) Neighbouring amenity

In terms of privacy, there will be no significant overlooking caused by the rear extension. The proposed rear extension meet the standards for maintaining reasonable levels of daylight to existing buildings and have no detrimental impact on neighbouring outlook. The proposal will have an acceptable impact on sunlight within the curtilage of neighbouring properties.

The proposal complies with the relevant criteria within the Non-Statutory Guidance for Householders and will have an acceptable impact on neighbouring residential amenity.

c) Equalities or human rights impacts

No impact on equalities or human rights.

d) Public comments

**Material representations:**

- Scale form and design; this is addressed in section a)
- Materials; this is addressed in section a)
- Privacy; this is addressed in section b)
- Daylight and sunlight; this is addressed in section b)
- Outlook; this is addressed in section b)
- Alterations to a listed building; this is addressed in the listed building consent (REF: 18/06386/LBC) and
- Setting of a listed building; this is addressed in the listed building consent (REF: 18/06386/LBC).

**Non-material representations:**

- Inaccurate drawings; no inaccuracies have been identified; and
- Inaccurate description; the description appears to be correct.

**Conclusion**

Overall, the proposal complies with Policies Env 4 and Des 12 of the Edinburgh Local Development Plan, Non-Statutory Guidance for Householders and Non-Statutory Guidance for Listed Buildings and Conservation Areas. The first floor extension on the rear elevation of the property is an acceptable addition to the property and will provide an appropriate design finish when assessed in the context of the area.

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

**3.4 Conditions/reasons/informatives**

**Conditions:-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

## **Reasons:-**

1. In order to safeguard the character of the statutorily listed building.

## **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.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

## 8.2 Publicity summary of representations and Community Council comments

10 representations were received from neighbours.

### **Background reading/external references**

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- 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**

Edinburgh Local Development Plan

**Date registered**

10 August 2018

**Drawing numbers/Scheme**

01 - 03,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Declan Semple, Assistant Planning Officer

E-mail: declan.semple@edinburgh.gov.uk Tel: 0131 529 3968

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

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 Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

**Relevant Non-Statutory Guidelines**

**Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS'** provides guidance for proposals to alter or extend houses or flats.

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

# Appendix 1

## Application for Planning Permission 18/04433/FUL

At 128 Lower Granton Road, Edinburgh, EH5 1EX

The proposal is for a two-storey extension to the rear of the property. It is also proposed to carry out some landscaping to the rear garden, which will include terracing and changes to levels and retaining structures.

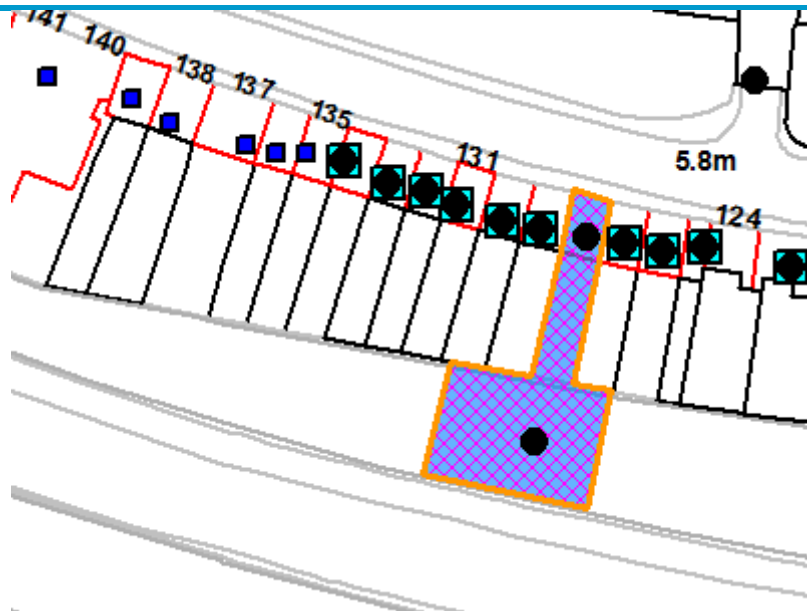
### Consultations

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No consultations undertaken.

### Location Plan

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# Development Management Sub Committee

Wednesday 26 September 2018

**Application for Planning Obligation 18/02853/OBL  
At Land At Edmonstone Estate, Old Dalkeith Road,  
Edinburgh  
Application to modify the existing Legal Agreement.**

<b>Item number</b>	4.4
<b>Report number</b>	
<b>Wards</b>	00 - No Ward Number

## Summary

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The principle and justifications for the requested modifications to the existing 14/00578/FUL legal agreement are acceptable and it is recommended that the application is approved. It is however, recommended that the resulting modified agreement should include an additional event before the revised agreement is considered to have taken effect. That is that the transfer of the land, covered by the 17/02722/FUL application, to Hillcrest Housing Association Limited should have taken place.

## Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDEL01, LHOU06, LHOU10, LTRA08, LDES08,
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# Report

## **Application for Planning Obligation 18/02853/OBL At Land At Edmonstone Estate, Old Dalkeith Road, Edinburgh Application to modify the existing Legal Agreement.**

### **Recommendations**

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- 1.1 It is recommended that this application be accepted and the agreement be modified

### **Background**

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#### **2.1 Site description**

The site is located to the north east of Old Dalkeith Road. It is immediately north of the junction of Old Dalkeith Road and Ferniehill Road and is south east of the Bio-Quarter. It is formed of the eight acre field and the former walled garden to Edmonstone House.

#### **2.2 Site History**

The relevant site history is:

11 October 2012 - planning permission was refused for a residential development with associated roads and landscaping (application number 12/01624/FUL). Planning permission was subsequently granted on appeal.

25 November 2014 - planning permission was granted to amend the existing permission under reference 12/01624/FUL, for a revision to the housing mix (application number 14/00578/FUL). The permission included a new legal obligation. This obligation included requirements; to make financial contributions for both education and transport; for on-site affordable housing; and to secure the provision of a new section of pavement on the Wisp, a footpath from the Wisp to Old Dalkeith Road and the relevant works under the Estate Management Strategy for the application site. The 14/00578/FUL permission included both the eight acre field and the adjacent walled garden sites. Evidence was provided by the applicants to confirm the 14/00578/FUL planning permission was taken up within the statutory period.

13 July 2017 - planning permission was granted for a new vehicular access onto Old Dalkeith Road (application number 17/02220/FUL).

22 December 2017 - a minded to grant decision to grant planning permission subject to the conclusion of an appropriate legal agreement for the walled garden site (application number 17/02722/FUL). The Agreement is currently being negotiated.

## **Main report**

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### **3.1 Description Of The Proposal**

The application seeks to modify planning obligations concluded under the provisions of section 75 of the Town and Country Planning (Scotland) Act 1997, regarding the residential development of the site under the 14/00578/FUL planning permission.

The modifications are to reflect the changed proposals for the development of the eight acre field and the walled garden and the changed circumstances relating to obligations in the agreement since it was concluded. This includes changes in the ownership of the land and a change in access to the site.

It is proposed that the education contribution sums should be reduced from £282,370 to £210,494 to reflect the smaller number of units to be built under the 14/00578/FUL permission if the 17/02722/FUL application is granted planning permission and taken up. The phasing and trigger points for the payment of the contribution would remain unchanged. It is accepted that any agreed and approved modification to the agreement should not take effect until the 17/02722/FUL permission has been granted and taken up.

In terms of the transport obligations, there is a request to remove the obligation to construct a new footway on the Wisp as this improvement has already been completed. There is also a request for the removal of clauses requiring a financial contribution of £55,000 to be paid and setting out how this contribution was to be used. The applicants have suggested that these clauses are no longer required.

The application requests that the obligation to provide a public footpath from the Wisp at the East Lodge to the walled garden and eight acre field is deleted as this is not under the full control of the current proprietors.

The proposal includes the transfer of the on-site affordable housing provision to the walled garden part of the site but under the separate 17/02722/FUL application.

### **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 modification of the obligation, as proposed, is considered to be acceptable;
- b) the proposals have any equalities or human rights impacts;
- c) comments raised have been addressed; and
- d) the finance implications of the decision are acceptable.

#### a) Principle

In order for a planning obligation to be concluded or retained, its terms should comply with the five tests set out in the Scottish Government's Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). These five tests are summarised below. If it fails any one of those tests then the obligation is inappropriate in planning terms and the planning obligation should be discharged.

- necessity test (necessary to make the development acceptable).
- planning purpose test (relate to the development plan).
- relationship to the development test (either directly or arising from a cumulative impact).
- scale and kind test (fairly and reasonably related to the proposal).
- reasonableness test (reasonable in all other respects).

#### (i) Education contribution.

With the subdivision of the site between the 14/00578/FUL permission and the 17/02722/FUL application, the proposed reduction in the contribution sum is acceptable and complies with the scale and kind test. Only 82 of the original 110 units are to be built under the 14/00578/FUL permission. The proposed reduction of the contribution sum from £282,370 to £210,494 is proportionate on a per unit basis.

The Communities and Families service has been consulted over this modification and has confirmed they have no comment to make about this proposed modification. This proposal is therefore considered acceptable.

#### (ii) New pathway on the Wisp.

Clause 4.1 requires the provision of a footway on a section of the Wisp. This footway has already been provided through a legal agreement tied to a different planning permission. It is therefore acceptable for this obligation to be discharged.

(iii) Transport contribution.

The transport contribution is required to contribute towards three areas of work which all relate to the Wisp. There is to be no vehicular access from the combined development sites to the Wisp as a new access has been approved from Old Dalkeith Road. There is an insufficient link with the Wisp for the contribution to comply with the "relationship to the proposed development test".

The Roads Authority has been consulted over this modification and has confirmed it has no objection to this proposed modification. It is therefore acceptable for clauses 4.4 and 4.5 not to be included in a modified agreement.

(iv) Footpath from the Wisp to Old Dalkeith Road.

The agreement obligation for this footpath to be created is a requirement within the Estate Management Strategy which incorporates this application site. In terms of the strategy, the owners of land over which this footpath could be built are obligated to provide it. The owners of the eight acre and walled garden sites do not own land through to the Wisp and are not in a position to completely construct the footpath. The retention of clause 5.3 would fail the reasonableness test. It is therefore acceptable for clause 5.3 to be discharged.

However, an appropriate footpath link is to be created under the 14/01057/PPP and 18/00508/AMC permissions covering adjoining land to the east and north east of the eight acre field and walled garden sites.

(v) On-site affordable housing.

The removal of clause 2 would remove any requirement for affordable units to be built on the residual eight acre field part of the application site. It is however, proposed that the necessary affordable housing provision is to be made under the subsequent 17/02722/FUL application for the walled garden site. The existing agreement would have secured 28 affordable units, meeting policy requirements. The 17/02722/FUL application is for 47 units all of which are proposed to be affordable. This amounts to a 36% affordable provision for combined applications.

The draft minute of variation document, provided with this application, includes a restriction that no more than 50% of the new units to be built on the eight acre field are to reach completion of construction before an affordable housing contract has been entered into to provide the 47 affordable units in the walled garden site.

Housing and Regulatory Services has confirmed that a contract was concluded between the applicants and Hillcrest Housing Association on 9 August 2018 for the affordable housing provision in the walled garden site. Hillcrest Housing Association Limited has confirmed to the Council that the walled garden site is to be transferred to them at the golden brick stage of the development. This means a point when the foundations have been laid and a course of brick or blockwork has been built onto these foundations.

Housing and Regulatory Services has accepted that in principle there is no objection to moving the affordable provision for the 14/00578/FUL permission to the 17/02722/FUL walled garden site.

(vi) Other considerations

Until the walled garden site has been transferred to a Registered Social Landlord (RSL) there is a slight risk to the Council that the walled garden is sold to another party, especially after planning permission is granted for the 17/02722/FUL walled garden application. To avoid this risk, it is recommended that the proposed minute of variation includes a further event before the modified agreement is considered to have taken effect. This should be that the 17/02722/FUL agreement land should have been transferred to Hillcrest Housing Association.

Hillcrest Housing Association Limited has been awarded grant funding through the Affordable Housing Supply Programme for the walled garden development. The 47 affordable units will be secured by the grant offer as none of these 47 units can be disposed of by Hillcrest without prior permission of the Council and the Scottish Housing Regulator. This control would only exist if Hillcrest Housing Association Limited has become the owner of the walled garden land.

To secure these provisions more effectively, a modified legal agreement under the 14/00578/FUL permission, should not take effect until the walled garden ownership has been transferred to Hillcrest Housing Association Limited. With the required adjustment as to when a modified agreement takes effect, the proposed removal of clause 2 can be accepted in this instance.

b) Equalities and Human Rights Impacts

This application has no impact in terms of equalities or human rights.

c) Public Comments

No representations were received concerning this proposal.

d) Finance

The proposed modifications to the existing obligation will result in a reduced education contribution and the removal of the transport contribution. The education sum will still be indexed to the date of payment. The new sum reflects the residual number of units to be built under the 14/00578/FUL after the walled garden site is being developed under a different permission. This modification would have no financial implications for the Council.

The removal of the transport contribution cannot be considered to have any financial implication for the Council. The requirement for the payment is no longer applicable or justified and can no longer be expected from the owners of this application site. The same requirements are however, included in other legal agreements tied to different planning permissions.



## Conclusion

In conclusion, it is recommended that the planning obligation to which this application refers is modified in accordance with the provisions of the application subject to the revised drafting to the minute of variation.

It is recommended that this application be accepted and the agreement be modified

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

#### **Informatives**

It should be noted that:

1. Please submit an engrossed Discharge or Minute of Variation (as appropriate) in accordance with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The application would mean that, at the point any modified agreement took effect, a reduction to the education contribution would be necessary to reflect the reduced numbers of new residential units to be built on the development site. The contribution expected would reduce from £282,370 to £210,494. However, this would be compensated for by an additional £182,931 education contribution required under a new legal agreement for the 17/02722/FUL application.

The application also requires the removal of the £55,000 transport contribution. This discharge is considered acceptable as the obligation no longer complies with the Scottish Government planning obligation circular. The development of both application sites will no longer sufficiently impact on works to the Wisp, for which the contribution had been originally required.

## **Risk, Policy, compliance and governance impact**

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**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**

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### **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**

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### **8.1 Pre-Application Process**

A meeting was held with the applicants and their lawyers with regard to the consultation responses received for the previous 18/01835/OBL application at which it was agreed that a revised application would be needed.

### **8.2 Publicity summary of representations and Community Council comments**

No representations have been received.

## **Background reading/external references**

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- 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**

Edinburgh Local Development Plan - Special  
Landscape Area: Edmonstone House and Nature  
Conservation Site.

**Date registered**

19 June 2018

**Drawing numbers/Scheme**

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Ian Williams, Senior Planning Officer

E-mail:ian.williams@edinburgh.gov.uk Tel:0131 529 3752

**Links - Policies**

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

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

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

# Appendix 1

## **Application for Planning Obligation 18/02853/OBL At Land At Edmonstone Estate, Old Dalkeith Road, Edinburgh Application to modify the existing Legal Agreement.**

### **Consultations**

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#### **Housing and Regulatory Services**

Hillcrest Housing Association Ltd have confirmed that they have entered in to a contract to deliver 47 affordable homes at Edmonstone Estate and in total 129 new homes are to be built over the 14/00578/FUL and 17/02722/FUL application and permission sites. This means that more than the 25% policy requirement for affordable housing will be provided over the combined sites.

The development at the Walled Garden site (17/02722/FUL) will consist of 47 affordable homes with 28 homes for social rent and 19 homes for mid-market rent. Hillcrest Housing Association Ltd has been awarded grant funding through the Affordable Housing Supply Programme which is managed by the City of Edinburgh Council on behalf of the Scottish Government.

The affordable housing will be secured by the terms of the grant offer which means that the affordable housing cannot be disposed without prior permission of the Council and the Scottish Housing Regulator. Hillcrest Housing Association Ltd has confirmed that missives to purchase conditional on agreement of the Building Contract was signed on behalf of Hillcrest Housing Association Ltd at 9 August 2018. It is accepted in terms of affordable housing policy that affordable housing on-site provisions will have been met at the point the land is transferred to a Council accepted Registered Social Landlord. Hillcrest Housing Association Limited is a Council approved RSL. The applicant should be asked to confirm the date of the transfer of the affordable housing land to Hillcrest Housing Association and provide the required documentation. The modified agreement should not take effect until the transfer has taken place.

Given this situation we have no objections to the S75 modification application.

#### **Communities and Families**

The Planning service has advised that the revised contribution will be a proportionate share of the original Education Contribution, based on the number of units that will now be delivered under the original consent. The contribution will reflect the indexing arrangements of the original agreement. The Communities and Families service has no comment to make regarding the proposal.

## **Transportation**

No objections to the application.

Note:

The proposed application amends the existing Legal Agreement dated 17 October 2014 (registered 09/12/14, Ref.14/49433) to delete works on The Wisp and at its junction with Old Dalkeith Road which are no longer required as part of this development due to the revised access point on Old Dalkeith Road. It also deletes redundant definitions.

## **Planning Initiatives**

The suggestion by the applicant in the 18/01835/OBL application to alter the section 75 by deleting clauses 5.1- 5.4 of the agreement is unacceptable. The Estate Management Strategy and the existing agreement clause 5.1 only require a proprietor to comply with the obligations in the strategy including any part of the footpath to the Wisp on their site. The proprietor would not be expected to build any pathway beyond their property boundary. There is therefore no need for the suggested new draft strategy relating to land only "lying within their control".

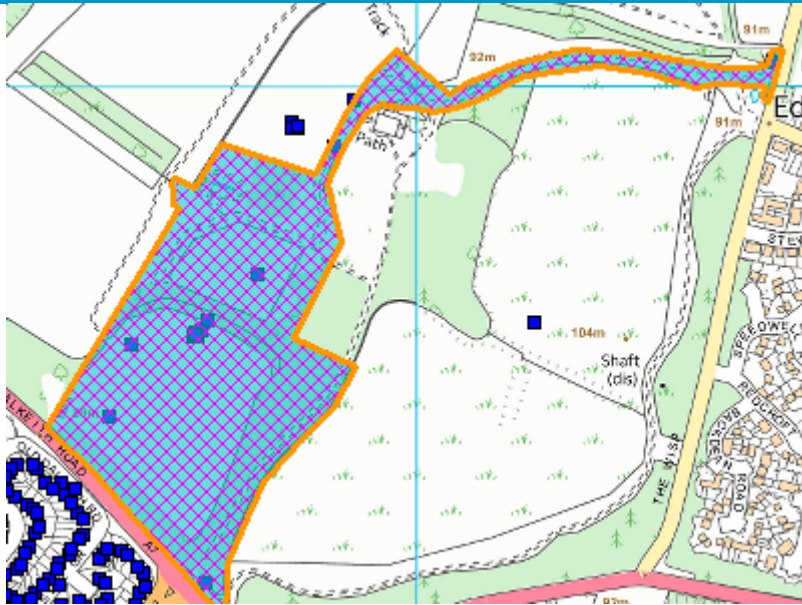
The two links in the approved Estate management plan look possible because the site plan indicates a link in the centre of the site and the access path around the SUDS looks like it could be used to provide the other link to the west of the site. Therefore to comply with the plan they would need to submit details indicating how they would ensure the required pedestrian access beside the SUDS and into the adjacent field (details of gates etc).

## **Legal and Risk**

No consultation response has been received.

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 26 September 2018

**Application for Planning Permission 17/04942/FUL  
At 67 Prestonfield Avenue, Edinburgh, EH16 5EX  
9 No two bedroom flats and associated car parking on  
vacant plot (as amended)**

<b>Item number</b>	4.5
<b>Report number</b>	
<b>Wards</b>	B15 - Southside/Newington

## Summary

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The proposal complies with the development plan and non-statutory guidance. The proposal is acceptable in this location, is of appropriate design, scale and form, will provide an adequate level of amenity for both neighbours and future occupiers, will have no adverse impact on traffic and road safety, or trees, and will retain the footpath to the east of the site. There are no other material planning considerations which outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES01, LDES04, LDES05, LDES06, LDES07, LDES08, LEN12, LEN21, LHOU01, LHOU02, LHOU04, LTRA03, LTRA04, LTRA09, NSG, NSGD02,
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# Report

## **Application for Planning Permission 17/04942/FUL At 67 Prestonfield Avenue, Edinburgh, EH16 5EX. 9 No two bedroom flats and associated car parking on vacant plot (as amended)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site lies to the north of Prestonfield Avenue which was formerly occupied by a church hall. To the west of the site is the Prestonfield Neighbourhood Centre and to the east lies an area of open space owned by City of Edinburgh Council. A public footpath runs along the eastern perimeter of the site adjacent to the open space. Detached bungalows lie to the north, on Priestfield Road, and directly opposite the site is Prestonfield Bowling Green, flanked by three storey local authority housing blocks. Prestonfield Park is immediately to the south of the bowling green.

#### **2.2 Site History**

29 September 2006 - Planning permission granted for the erection of townhouses (amended to three); demolition of existing church hall (Application number 05/01756/FUL)

27 March 2014 - Planning permission granted for the erection of three flats and three maisonettes (Application number 08/01644/FUL)

### **Main report**

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#### **3.1 Description Of The Proposal**

This application proposes to erect a three storey block of flats containing nine two bedroom units on a site that is 798 sqm in area. The building will have a shallow pitched roof with a standing seam effect. Wall cladding will be a combination of masonry and render with timber fenestration.

Flat sizes range between 68 sqm and 72 sqm. There will be one parking space per flat in an area of hard standing to the west of the building. Vehicular access is off Prestonfield Avenue. Waste storage is to the rear of the site and is collected via access from Priestfield Road. Cycle parking is to the north of the building in two covered areas containing Sheffield cycle racks to accommodate 18 bicycles.



## Scheme 1

The proposals as originally submitted showed an alternative arrangement for waste collection, no cycle parking and slightly different floor plans. The footpath was gated.

### Supporting Statements

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

- Drainage Report and Layout;
- Surface Water Management Report;
- Bike Shelter Specifications;
- Development Impact Assessment; and
- Sustainability 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.

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 development is acceptable in this location;
- b) the proposals are of an appropriate scale, form and design;
- c) the proposals will result in an unreasonable level of neighbouring residential amenity;
- d) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- e) the proposals will have any traffic or road safety issues;
- f) the proposals will have detrimental impact on flooding;
- g) the proposals will have detrimental impact on trees;
- h) there are any other material considerations;
- i) any impacts of equalities and human rights have been addressed; and
- j) any comments raised have been addressed.

a) The Acceptability of the Principle of the Development in this Location

The site was formerly occupied by a church hall. The principle of a residential use in this location was established in the previous consents. The area is primarily residential in area and the principle of a residential use is acceptable. Policy Hou 1 supports residential development subject to compliance other points addressed below.

b) Scale, Form and Design

Policy Des 1 states that development will be supported where it is demonstrated that it can contribute towards a sense of place. Policy Des 4 supports development that will have a positive impact on its surroundings having regard to height, form, scale, materials and positioning.

The area is characterised by a mixture of single storey dwellings and three storey flats. The proposed three storey structure will be of an appropriate scale within the prevailing urban context. Materials are a combination of masonry and render which is appropriate in an area that is dominated by rendered buildings. The Grange/Prestonfield Community Council is concerned about the lack of a set back from the front boundary, however, the adjacent Neighbourhood Centre is located with a similar relationship to the street. The presence of the bowling green across the street means that the sense of spaciousness will be retained.

The scale, form and design are appropriate to the area. The design draws from the positive characteristics of the surrounding area and complies with Policy Des 1 and Des 4.

c) Neighbouring Amenity

There are no neighbouring properties within close proximity to the development and the proposals will have no detrimental impact on residential amenity. The proposals therefore comply with Policy Des 5 relating to amenity

d) Amenity of Future Occupiers

The proposed flats will meet minimum space standards as set out in the Edinburgh Design Guidance and are dual aspect. They will therefore comply with Policy Des 5. In terms of open space provision there will be private gardens for the ground floor flats and communal garden provision of 125 sqm for the remaining six flats. The amount of garden area provided meets minimum requirements as set out in Policy Hou 3. There is also a small park immediately to the east of the site and Prestonfield Park is to the south of the site.

The amenity of future occupiers of the flats will be satisfactory.

e) Traffic or Road Safety Issues

Policies Tra 2, Tra 3 and Tra 4 relate to the provision and design of the car and cycle parking.

The development will provide one vehicular parking space per flat and Transport are content with this level of provision in this location. Two cycle parking spaces are proposed per flat. Transport are content that the revised scheme present the appropriate design and quantity of cycle storage. The provision of parking for both vehicles and bikes is appropriate.

The Grange/Prestonfield Community Council has commented on the proximity of the bus stop to the entrance, however Transport has no concerns in this regard.

There will be no adverse impact on traffic and road safety

f) Flooding Issues

Policy Env 21 presumes against development that would increase flood risk or at be at risk of flooding.

The applicant has submitted information that satisfies the flood team that the proposals are satisfactory in this respect.

g) Impact on Trees

Policy Env 12 presumes against development that will adversely impact trees worthy of retention.

There is a row of cherry trees planted within the small park to the east on the boundary with the footpath. Although the crowns of the trees will be required to be taken back for the development, this should not affect the overall health of the trees.

There will be no adverse impact on the trees.

h) Other Material Considerations

The application has been amended to address concerns about the bins. Access to communal bins is from Priestfield Road and the footpath is no longer gated.

Concerns on the part of some members of the public that this right of way would become blocked have therefore been addressed and the footpath remains.

In order to ensure that the land is free of contaminants a condition is added to ensure that the appropriate investigations are done and actions are taken to mitigate their effects where necessary.

i) Equalities and Human Rights Issues

The flats proposes no particular features to facilitate accessibility. However they will need to comply with any requirements imposed under Building Regulations.

The proposals will have a neutral impact on equalities and human rights. An Equalities and Human Rights Impact Assessment has been completed.

j) Public Comments

**Material objections**

- Design, density, scale, height and materials. Points raised with regard to design and positioning are addressed in section 3.3.b)
- Neighbouring residential amenity, These issues including sunlight, daylight and privacy are addressed in section 3.3.c)
- Traffic and road safety - Issues with respect to parking provision and access points are assessed in section 3.3.e)
- Flooding - Comments with respect to flood risk are assessed in section 3.3.f)
- Trees - Concerns over the impact on trees is addressed in section 3.3.g)
- Right of way - Concerns over the possible loss of a footpath has been addressed by a revised scheme and is addressed in section 3.3.h)
- Waste collection - Issues with respect to waste storage and collection are assessed in section 3.3.h)

**Non-material objections**

- Impact on views. This is not a material consideration within the planning process

**Community Council objections**

The Community Council had the following concerns:

- Design, density, scale, height and materials. Points raised with regard to design and positioning are addressed in section 3.3.b)
- Traffic and road safety - Issues with respect to parking provision and access points are assessed in section 3.3.e)
- Right of way - Concerns over the possible loss of a footpath has been addressed by a revised scheme and is addressed in section 3.3.h)
- Waste collection - Issues with respect to waste storage and collection are assessed in section 3.3.h)

**CONCLUSIONS**

In conclusion, the proposal complies with the development plan and non-statutory guidance. The proposal is acceptable in this location is of appropriate design, scale and form, will provide an adequate level of amenity for both neighbours and future occupiers, will have no adverse impact on traffic and road safety or trees and will retain the footpath to the east of the site. There are no other considerations which outweigh this conclusion and approval is recommended.

The recommendation is subject to conditions on landscaping, materials and contaminated land.

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

### **3.4 Conditions/reasons/informatives**

1. 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.
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.
3. 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.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

#### **Reasons:-**

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to ensure that the approved landscaping works are properly established on site.

## **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 install 7Kw type 2 charging points serving all car parking spaces.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

## 8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of this application on 8 November, 2017. In all there have been nine letters of representation from seven neighbours, the Priestfield Flooding Group (a residents association) and the Grange/Prestonfield Community Council, all objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment section.

### **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

The site is located within the urban area, as defined by the Local Development Plan.

### **Date registered**

24 October 2017

### **Drawing numbers/Scheme**

1, 2c, 3a, 4a, 5, 6a, 7a,

Scheme 4

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail: [barbara.stuart@edinburgh.gov.uk](mailto:barbara.stuart@edinburgh.gov.uk) Tel: 0131 529 3927

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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 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 12 (Trees) sets out tree 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 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

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

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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** 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 17/04942/FUL At 67 Prestonfield Avenue, Edinburgh, EH16 5EX. 9 No two bedroom flats and associated car parking on vacant plot (as amended)**

### **Consultations**

---

#### **Transport**

##### Response dated 20 April 2018

*Further to the memorandums of 1 February 2018 and 3 April 2018, I confirm that the proposed cycle parking is acceptable.*

*Therefore, there are no objections to the proposed application.*

##### Response dated 3 April 2018

*Further to the memorandum of 1 February 2018, the proposed cycle parking is not considered to meet the requirements of the Edinburgh Design Guidance. This requires 2 spaces per unit for 2 room units, i.e. 18 total, and also states that "High quality cycle parking, including secure storage, is essential in making cycling as attractive as possible".*

*The proposed 'monkey bars' appear to be in an open location with no protection or security and to be of a type which is not considered acceptable for cycle storage. Cycle parking is expected to be of 'Sheffield' rack type and within a secure and undercover area.*

*The application should therefore be refused.*

*Should you be minded to grant the application, the applicant must be required to comply with the requirements of the Edinburgh Design Guidance as set out above.*

##### Response dated 1 February 2018

*The application should be refused.*

##### *Reasons:*

*The proposed site includes an adopted footway which serves a public purpose.*

*Note:*

*The principal of residential development on this site is potentially acceptable provided that the existing footway is maintained as a public right of passage (i.e. 'road'). A number of other issues would require to be addressed including cycle parking, refuse collection and electric vehicle charging.*

## **Environmental Services**

*The applicant proposes developing nine flats with supporting car parking spaces on currently vacant land. The site is located in a predominantly residential area although it is noted that there are community centres and a bowling green located in close proximity. There are existing residential properties already located closer to these centres and bowling green therefore Environmental Protection have no concerns regarding noise.*

*Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)*

*The application includes 9 car parking spaces, Environmental Protection recommends that the applicant install electric vehicle charging points for each space.*

*Therefore, Environmental Protection offer no objection to this proposal subject to the following condition;*

*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.*

## **Informative**

*The applicant should install 7Kw type 2 charging points serving all car parking spaces.*

## **Flooding**

*We are now happy for this to proceed to determination with no further comment from Flood Prevention.*

## **Children and Families**

*The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.*

*Using the pupil generation rates set out in the Supplementary Guidance, the nine flats are not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.*

## **Waste Services**

*I have been asked to consider this application on behalf of the Waste Management Service.*

*Waste and cleansing services takes no stance either for or against the proposed development but as a Consultee would make the following comments:*

*Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a development of 9 residential flats on Prestonfield Avenue. The application form refers to Refuse storage for individual bins. We would not expect a flatted development to use individual bins. This type of development should be using communal shared bins. Please can you amend the plans ensure the bin store meets the council's refuse requirements as outlined in section 2.10 of The City of Edinburgh Design Guidance and is indicated on the Plans as Proposed submitted as part of this application. Please provide drawings of the location of the bins store, types and quantity of bins and indicate where the refuse vehicle collection point would be. Please provide estimated timescales of when this development will be complete and habited.*

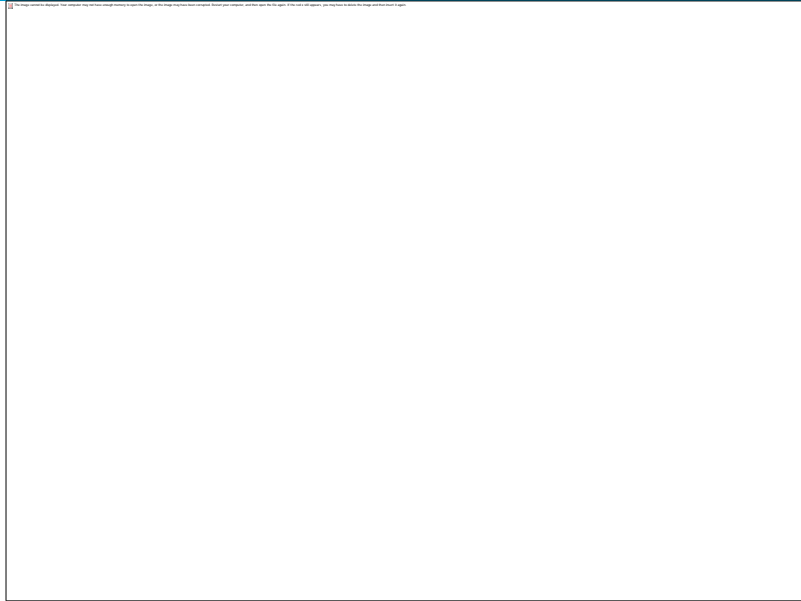
*It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials,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

*In view of these factors the developer must contact Waste Services on 0131 469 5667 or 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.*

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 26 September 2018

## Application for Approval of Matters Specified in Conditions 18/01145/AMC

At Land 71 Metres Southeast Of 29, Sealcarr Street,  
Edinburgh

Development of Health Hub (Class 2) and retail units (Class  
1) (as amended)

Item number	4.6
Report number	
Wards	B04 - Forth

### Summary

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The proposal seeks approval of a number of matters set out in the conditions of application reference 01/00802/OUT in relation to a Plot 19B. The principle of the proposed uses is acceptable. The design and layout of the proposed development is acceptable for the location, subject to conditions in relation to materials and the delivery of the road. The proposed development is acceptable in terms of access and parking. The impact on the amenity of neighbours will be acceptable. The proposal is acceptable in all other respects, subject to suitable conditions. There are no material considerations that outweigh this.

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN21, LEN22, LHOU10, LRET06, LTRA02, LTRA03, LTRA04, NSG, NSGD02,
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# Report

## **Application for Approval of Matters Specified in Conditions 18/01145/AMC At Land 71 Metres Southeast Of 29, Sealcarr Street, Edinburgh Development of Health Hub (Class 2) and retail units (Class 1) (as amended)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site, covering approximately 0.4 hectares, is located to the west of Chestnut Street. It is a part of a larger vacant area of hardstanding that is currently surrounded by a palisade fence. The site is relatively flat and rectangular in shape. A foot/cycle path runs along the wide pavement on Chestnut Street. Access to the site is taken from both the southeast and northeast corners.

The site boundary covers part of the existing Sealcarr Street on the northern part.

At the north of the site, partially contained within the site boundary, is Sealcarr Street. This provides access to an industrial estate to the west of the site. The industrial estate accommodates a number of large, terraced industrial buildings in various uses.

North of the site is a residential flatted development on Hesperus Crossway, which rises up to seven storeys. There are also further areas of vacant land that have planning permission for residential development. To the northeast of the site, a planning application has been approved for retirement flats.

To the east of Chestnut Street is a vacant area of land where a planning application for residential use has been approved.

To the south of the site are more industrial style buildings comprising car garages and car hire uses.

#### **2.2 Site History**

Relevant history to the site:

20 June 2003 - Outline planning permission granted for the Granton Harbour Village, mixed use development comprising residential units, hotel and serviced apartments, shops and retail /services, restaurants /cafes, public houses, general business, leisure facilities and marina. This permission includes a legal agreement to secure contributions towards education and transportation infrastructure, 15% affordable housing, restrictions on future tenancies within Granton Industrial Estate and the long term maintenance and upkeep of the Western Breakwater (application number: 01/00802/OUT).

31 January 2014 - Application approved for matters specified in condition 2 as attached to outline permission 01/00802/OUT: covering siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes. This was subject to a number of conditions (application number: 13/04320/AMC).

26 August 2016 - Approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes (Scheme 5) approved. Condition 4 states that the reserved matters applied for in respect of plots 12, 14, 15, 15A, 16 and 17 i.e. the large retail/leisure centre are not approved (application number: 14/05305/AMC).

2 February 2017 - Approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes (Scheme 2) approved. However, the matters applied for in relation to plots 8C, 12,14, 15, 15A, 16, 17, S1, S2 and 35 are not approved (application number: 16/05618/AMC). This is the most up to date masterplan for the Granton Harbour area.

31 May 2017 - Application submitted for approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design, and configuration of public and open spaces, access, road layouts, footpaths and cycle routes at Granton Harbour, West Harbour Road (application number: 17/02484/AMC). Not yet determined.

15 December 2017 - Approval of Matters Specified in Conditions on outline application 01/00802/OUT regarding the erection of a healthcare superhub and six units in Class 1, Class 2 and Class 3 use (as amended) refused (application number: 17/02865/AMC).

Other recent applications on neighbouring plots:

3 August 2017 - Application approved for matters specified in condition 2 of application 01/00802/OUT for the erection of a 3/7 storey residential development of 302 units with associated roads, car parking and landscaping on plot S1 and S2 (S) to the east of the site (application number: 17/01481/AMC).

22 November 2017 - Application approved for matters specified in conditions of application 01/00802/OUT for the erection of buildings containing 104 retirement flats and ancillary accommodation, formation of road access, underground parking, internal private open space and a public square on Plots 9A and 9B to the northeast of the site (application number: 17/01219/AMC).



13 March 2018 - Application approved for the change of use of building and land from Class 6 to Class 5 to include building operations and siting of plant to permit use of existing warehouse building as a micro distillery at 29 Sealcarr Street to the west of the site (application number: 17/03297/FUL).

13 June 2018 - Application for approval of matters conditioned regarding the erection of buildings containing 18 houses and 144 flats; formation of road access, parking, private and public open space on land to the west and north of the site (application number: 18/02721/AMC). Not yet determined.

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal seeks to primarily deal with the matters specified in condition 2 of the outline planning permission 01/00802/OUT. The condition states that:

*Before any work on each phase of the site is commenced, details of the undernoted reserved matters being submitted to, and approved in writing by the planning authority, in the form of a detailed layout of that phase of the site (including landscaping and car parking) and detailed plans, sections and elevations of the buildings and all other structures.*

Reserved Matters:

- Siting, design and height of development, including design of all external features and glazing specifications, design and configuration of public and open spaces, external lighting, all external materials and finishes, including their colour.
- Car and cycle parking, access, road layouts and alignments, servicing areas.
- Hours of operation and servicing.
- Footpaths and cycle routes.
- Boundary treatments.
- Floor levels (including the submission of all calculations to support the levels, and including a report on sea levels, with climate change, storm surge and wave action).
- Quay edge retention design.
- Hard and soft landscaping details, which shall include layout plans to provide full details of ground preparation, and:
  - (i) Existing and finished ground levels in relation to Ordnance Datum.
  - (ii) Layout and design, including walls, fences and gates.
  - (iii) Existing and proposed services.
  - (iv) Any structures in addition to any buildings, such as street furniture (including lighting columns and fittings), play equipment.
  - (v) Programme of completion and subsequent maintenance for the creation of high quality open space including details of the canal and water features.
  - (vi) The location of new trees, shrubs, and hedges.
  - (vii) A schedule of plants to comprise species, plant size and proposed number/density.

(NOTE:- Landscaping for each phase of development shall be completed within the planting season following the completion of each phase of development, to the satisfaction of the Head of Planning and Strategy. Landscaping shall be designed to minimise the risk of birdstrike).

(viii) Nature of all material to be utilised for land infill or reclamation purposes, whether imported into the site or obtained from within the site; such material shall be clean and inert.

Information has also been submitted to deal with other conditions the more general conditions on the outline permission. In summary, these are:

*3a) Noise assessment;*

*3b) Site survey and measures relating to landfill gases and any required protective measures;*

*3c) Site survey relating to contamination and any required remedial/protective measures;*

*6) Surface Water disposal arrangements; and*

*14) Drainage.*

The proposal is for the erection of a health centre, incorporating GP practice and dentist surgery over two floors (678sqm). A pharmacy covering 84sqm sits on the ground level below the dentist surgery. A single storey row of four shop units (all 91sqm in size) runs north from the main building.

The proposed building fronts onto Chestnut Street with the two storey element on the southern part of the site. The health centre is accessed via a two sided glass atrium area providing access from both the rear car parking and the front from Chestnut Street. A flat roof is proposed for the whole building, though through the use of the parapet this is angled at certain locations.

The main material proposed is a light facing brick. There are large glazed elements on the ground floor and also a number of projecting metal window boxes. The southern elevation contains metal decorative panels.

Vehicular access is taken from the existing Sealcarr Street at the north of the site, this leads to a rear car parking area and a drop off layby. At the south of the site the Ross Kestrel Road, as identified in the masterplan, is to be partly implemented. There are 16 car parking spaces, this includes four accessible spaces and three spaces equipped with electric vehicle charging points. There are nine cycle parking spaces and three motorcycle spaces.

A composite wooden fence is proposed along the western boundary to separate the site from the adjacent vacant land.

Hours of operation are intended to be 8:30 to 18:00 for the health hub and 08:00 to 21:00 for the shop units.

## **Supporting Statements**

The following documents have been submitted in support of the application:

- Noise Impact Assessment;
- Flood Risk Assessment;
- Surface Water Management Plan;
- Site Investigation Report (Enabling Works); and
- Feasibility Report (Engineering Works).

These documents are available to view on the 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 development complies with the planning permission in principle;
- b) the details of the development are acceptable;
- c) there are any other material considerations;
- d) there are any equalities or human rights impacts; and
- e) the representations have been addressed.

#### **a) Principle**

Edinburgh Local Development Plan (LDP) Policy Hou 10 Community Facilities sets out that planning permission for housing development will only be granted where there are associated proposals to provide any health and community facilities relative to the impact and scale of development proposed. The intention of this policy is to ensure that new housing development goes hand in hand with the provision of a range of community facilities.

LDP Policy Del 3 supports proposals which meet a number of requirements, including the provision of a series of mixed use sustainable neighbourhoods that connect with the waterfront and the provision of local retail facilities.

The site is located within the Granton Harbour Area at Granton Waterfront, as identified in the LDP. It is covered by Proposal EW2c for housing led mixed use development.

The most recently approved masterplan (application number 16/05618/AMC) shows indicative plans for units consisting of 250 sqm retail use, 500 sqm leisure use and 500 sqm health use on this plot. Such uses are acceptable in principle at this location, in line with the outline permission (application number: 01/00802/OUT) and subsequent approved masterplans.

The LDP Action Programme (January 2018) contains a healthcare action to provide a new practice to mitigate the impact of new residential development in Granton Waterfront. An option being explored is to co-locate this with a new waterfront primary school.

No further information has been provided to support the size of the proposed healthcare centre. The applicant states that there is occupier interest.

Edinburgh Health and Social Care Partnership (EHSCP) is responsible for the planning and development of GP practices in Edinburgh. Its strategic plan includes the need for a new practice to provide for approximately 10,000 people (as per the LDP Action Programme). Exploratory discussions between the applicant and the EHSCP have taken place, but no commitment has been given to the applicant about the suitability of the proposals at this stage.

The proposed health centre is a Class 2 (financial, professional and other services) use. If given approval, the 678 sqm unit could be changed into a Class 1 (shops) use under permitted development rights. Condition 19 of the outline planning permission restricts the gross floor area of each retail unit to 250 sqm, with the exception of one larger retail unit restricted to a maximum of 1,500 sqm. If such a change took place, then this would account for the one larger unit permitted under the terms of this condition.

The principle of the proposed uses is acceptable at this location in terms of the outline permission and is supported by LDP policies.

#### b) Acceptability of the Details

Design:

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The LDP also sets out the aims of the long-term strategies for the Edinburgh Waterfront. This vision includes transforming the waterfront into one of the city's landmark features, attract high quality developments and create distinctive high density urban quarters and build exemplar sustainable communities with a reduction in the influence of the car in design and layout.

## Design and Height:

The building is of a suitable modern design, providing a frontage onto Chestnut Street, whilst turning the corner onto the proposed Ross Kestrel Road.

The shop units are uniform in style with large glazed shop fronts. The principle frontage of the main health centre building is punctuated by the double height glazed atrium entrance. The entrance feature aids in splitting up the building. When viewed with the overhangs and the angled roofline it defines the building as a more commercial/ public style development from the nearby residential developments.

The use of protecting metal window frames and the metal screening adds interesting details to the elevations of the proposed development.

The proposed two storey building (with single storey elements) is in an area where higher rise residential development exists (and are proposed) and therefore the building height will not impact on adjacent buildings. It also ties in with height of some of the proposed two storey houses proposed to the northwest of the site.

## Materials:

The Edinburgh Design Guidance indicates that materials should normally harmonise with those surrounding buildings. The wider area is characterised by a number of different building types and materials, both in terms of the current industrial ones and the existing and proposed residential developments. There is no overarching design code for the area.

Nearby existing residential developments within Granton Harbour area have utilised render and a number of other materials. The render has not weathered well at this location.

More recent approvals on adjacent sites have proposed brick as the primary material. Brick is an appropriate material which, as noted in the Edinburgh Design Guidance, has good weathering characteristics.

A buff coloured facing brick is proposed as the main material in the development, along with the glazing and metal screening elements will harmonise well into the emerging development in the area. A condition is recommended in relation to material specification.

## Layout:

The proposed development creates an active frontage onto one of the principal streets in the Granton Harbour area and is within a central location.

In line with LDP Policy Tra 4 Design of Off-Street Car and Cycle Parking, the surface car parking for the area is proposed to the rear of the development. The inclusion of a central entrance foyer for the health centre provides a dual access point from both the car parking to the rear and pedestrians and cyclist from the front. This will also allow servicing to take place from the rear.

LDP Policy Des 2 Co-ordinated Development sets out that planning permission will be granted for development which will not compromise the effective development of adjacent land or the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

The proposed development responds to the constraints of the site, both by not interfering with access to the existing industrial buildings to the west of the site and by also taking into account the most recently approved masterplan for the area.

The masterplan contains a proposed road (Ross Kestrel Road) running through the southern part of the application site and linking into a large circus surrounded by proposed residential development. The application contains provision for incorporating the Ross Kestrel Road through the site, which is important in enabling future sites to come forward. The proposed health centre will provide an edge to the future road.

It is recommended that to safeguard the provision of this route that a condition is put on any approval to ensure that this road is delivered as part of this application. The applicant has proposed using bollards to be put in place until a time when further adjacent development sites come forward and this is acceptable to the Roads Authority.

In summary, the first reserved matter has been adequately dealt with. The design and layout of the proposed development is acceptable for the location, subject to conditions in relation to materials and the delivery of the road.

#### Transport Matters:

Vehicle access to the site is taken from Sealcarr Street and is acceptable. The access junction has been designed in line with the Edinburgh Design Guidance (EDG). A service/drop off area to the rear of the site is also proposed.

Hours of operation have been stated as 08:30 to 18:00 for the health hub and 08:00 to 21:00 for the retail units. This raises no concerns and any noise implications are considered further in section 3.3c) below.

The parking standards allow for a maximum of 27 car parking spaces. A total of 16 spaces are proposed and this is acceptable. Four of the spaces have been proposed as accessible spaces, which is above the EDG 8% requirement. Three spaces are proposed to be equipped for electric vehicle charging, which meets the Council's requirement of 1 in 6. Environmental Protection has recommended that a condition should be used to ensure that the electric vehicle charging points are installed prior to the use being taken up.

A minimum of seven cycle spaces are required, nine are proposed. However, full details have not been provided, these can be secured through a condition. A cycle way runs along Hesperus Broadway / Chestnut Street and raised tables are proposed at the junction points to promote pedestrian and cycle movement.

The proposal is satisfactory in relation to the relevant reserved matters that deal with the transport implications of the site.

## Flooding and Drainage:

The reserved matter relates to floor levels and associated information to support the levels. Condition 6 on the outline permission relates to surface water disposal arrangements and condition 14 relates to sustainable urban drainage.

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals meet the Council's requirements.

SEPA does not object to the proposals. The information submitted satisfactorily deals with this reserved matter and conditions 6 and 14 for the application site.

## Landscaping:

The proposed building is on a relatively tight site within a larger area of regeneration. The public realm is predominately hard and suitable for the creation of an urban area. The area at the north of the site is proposed to be open space and this is covered by a separate application that is currently under consideration.

A temporary composite timber fence boundary to divide the site from the adjacent vacant land is proposed. This is acceptable in these circumstances as it is an appropriate boundary for a site proposed for commercial use and further plans will come forward when the adjacent site comes forward for development.

This reserved matter has been dealt with.

## c) Other Material Considerations

### **Noise:**

A Noise Impact Assessment (NIA) has been submitted. This concludes that commercial noise from the proposed units will mainly comprise of patron car parking and van deliveries. Delivery activities are predicted to meet the internal noise criteria. The NIA demonstrates that no mitigation measures will be required to ensure neighbouring amenity is protected.

Environmental Protection accepts this assessment and the proposal will be acceptable in terms of any noise impacts.

### **Contaminated land:**

Site investigation information has been submitted in support of the application as required under condition 3b) and c) of the outline permission. This condition can be discharged for the site once Environmental Protection has assessed its acceptability.

## **Sustainability:**

A Sustainability Form has not been submitted with the application as per normal procedures. It is not a reserved matter on the application and if submitted as a standalone application would not be considered a major application. Any relevant sections of the Building Regulations will still need to be met.

## **Archaeology:**

There are no significant archaeological impacts associated with the application.

### d) Equalities

The application has been assessed in terms of equalities and human rights. The proposal will develop a vacant area of land for healthcare uses and other services. The application raises no overriding concerns in relation to equalities and human rights.

### e) Public Comments

No public comments received.

## **Conclusion**

The proposal seeks approval of a number of matters set out in the conditions of application reference 01/00802/OUT in relation to a Plot 19B. The principle of the proposed uses is acceptable. The design and layout of the proposed development is acceptable for the location, subject to conditions in relation to materials and the delivery of the road. The proposed development is acceptable in terms of access and parking. The impact on the amenity of neighbours will be acceptable. The proposal is acceptable in all other respects, subject to suitable conditions. There are no material considerations that outweigh this.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. No development shall take place until the section of Ross Kestrel Road as shown in plan reference A-P-00-G1-005D (Council plan reference 03B) shall be constructed. For the avoidance of doubt this is not to be a temporary grass surface.
2. Prior to the commencement of development, details of the proposed cycle parking regarding location, specification, design and security to be submitted to the Planning Authority for approval.

Before any part of the development is brought into use, the cycle parking approved by this condition shall then be completed and available for use.



3. 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.
4. Prior to the use being taken up, one double headed 7 Kw (Type 2) charger and one rapid electric vehicle charging point, capable of 70 -50kW (100 Amp) DC with 43kW (64 Amp) AC output shall be installed in the commercial car parking area as per drawing A-P00-G1-005 - C dated 2017.
5. The use of the units shown as Retail Units 1 to 4 on plan reference A-P-00-G2-010 (Council plan reference 04) shall be restricted to Class 1 (Shops) of the Town and Country Planning (Use Classes) (Scotland) Order 1997

#### **Reasons:-**

1. In order to ensure co-ordinated development with adjacent sites.
2. In order to ensure that the cycle parking is adequate.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. To ensure incorporate facilities for charging plug-in and other ultra-low emission vehicles.
5. To define the permission.

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or fifteen years from the date of the outline planning permission (01/00802/OUT, whichever is the later.
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. For the avoidance of doubt, condition 3b) and 3c) are not discharged through this approval. Environmental Protection are considering the submitted reports and their acceptability or otherwise will be confirmed in due course.

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. It is expected that the northernmost and southernmost accesses will be subject to RCC. 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. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
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 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;

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There is an existing legal agreement in place.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

The submission of a sustainability form is not a reserved matter and if submitted as a standalone application would not be considered a major application. Any relevant sections of the Building Regulations will still need to be met.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

No representations have been received.

## **Background reading/external references**

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

**Statutory Development  
Plan Provision**

The site is located within the Urban Area as shown on the Local Development Plan proposals map. The land is identified as being within Edinburgh Waterfront.

Proposal EW 2c (Granton Harbour) states that the area is for a housing-led mixed use development. It sets out a number of Development Principles. These include that proposals will be expected to:

- Complete the approved street layout and perimeter block urban form.
- Provide a housing mix that is appropriate in terms of place-making and would maximise completions within this urban regeneration proposal within the plan period.

**Date registered** 23 March 2018

**Drawing numbers/Scheme** 01, 02, 03B, 04, 05, 06, 07A, 08, 09, 11,

**David R. Leslie**  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning Officer  
E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

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 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

## **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 Approval of Matters Specified in Conditions 18/01145/AMC**

**At Land 71 Metres Southeast Of 29, Sealcarr Street,  
Edinburgh**

**Development of Health Hub (Class 2) and retail units (Class 1) (as amended)**

### **Consultations**

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#### **Archaeology Officer comment - dated 4 April 2018**

*Further to your consultation request I would like to make the following comments and recommendations concerning this AMC application for the development of Health Hub (class 2) and retail units (class 1).*

*The site lies at the centre of the 19th century Granton Harbour, a site identified as being of archaeological significance. Although there is further archaeological work to be undertaken in regards to the development of 01/00802/OUT, it is considered unlikely that significant archaeological remains will occur in situ on this site. Therefore, it is concluded that there are no significant archaeological impacts upon this scheme.*

#### **Roads Authority Issues - dated 12 June 2018**

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

- 1. The access junctions will be designed in line with the emerging Edinburgh Street Design Guidance Fact Sheets, and designed in such a manner that highlights pedestrian and cyclist priority over the junctions. The existing cycle facilities on Chestnut Street/Hesperus Broadway are to be retained;*
- 2. The section of the proposed "Ross Kestrel Road" that falls within the red line boundary should be delivered as part of this development and to an adoptable standard;*
- 3. 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. It is expected that the northernmost and southernmost accesses will be subject to RCC. 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;*

4. *In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
5. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*
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;*
8. *The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.*

*Note:*

1. *The application has been assessed under the 2017 parking standards. These permit the following:*
  - a. *A maximum of 27 car parking spaces, the 16 spaces proposed are acceptable;*
  - b. *8% of total parking should be accessible plus a space for each disabled employee, the 4 accessible spaces proposed are acceptable.*
  - c. *1/6 of the parking spaces should be equipped for EV's, the 3 EV spaces proposed are acceptable.*
  - d. *1 motorcycle parking space, the 3 proposed are acceptable.*
  - e. *A minimum of 7 cycle parking spaces, the 9 proposed are acceptable.*

**SEPA comment - dated 11 April 2018**

*Advice for the planning authority*

*We have no objection to this planning application, but please note the advice provided below.*

1. *Flood Risk*

1.1 *We have no objection to the proposed development on flood risk grounds. Notwithstanding this we expect the City of Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority*

1.2 *We have previously provided responses on multiple applications within the Granton Harbour area including the overall masterplan, reference 01/00802/OUT. We did not object to the overall masterplan, however we made recommendation on finished floor levels and any development below ground.*



1.3 The proposal is for a health hub and retail units at plot 19b. A Flood Risk Assessment (FRA) has been submitted in support of the application, dated May 2016. The FRA includes analysis to quantify wave action and overtopping rates at the site. It is for the City of Edinburgh Council (CEC) to satisfy themselves that the assessment of wave action and joint probability correspond with their analysis of these factors.

1.4 We previously recommended that finished floor levels (FFL) should be set above 5.07mAOD. The FRA recommends a minimum FFLs of 4.85mAOD. Review of site topography shows a minimum elevation of 5.53mAOD. We therefore strongly recommend that FFLs are set above existing ground levels with an appropriate freeboard.

1.5 The site lies adjacent to the surface water flood extent shown on the SEPA Flood Maps. Therefore we recommend that the applicant considers incorporating flood resistant and resilient measures into the design and construction of the site to mitigate the risk from surface water flooding. This could include raised FFL and landscaping the ground to direct water away from dwellings. These measures should not increase the flood risk to existing property or infrastructure.

#### *Caveats & Additional Information*

1.6 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

1.7 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.8 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

## *2. Site Drainage*

2.1 Surface water discharges to coastal waters do not automatically require Sustainable Urban Drainage Systems due to the high dilution available.

2.2 These discharges, however, still have to comply with the Controlled Activities Regulations General Binding Rule "no pollution" requirement. The seventeen car parking spaces, for instance, may require some form of interceptor to prevent hydrocarbons entering sea.

## *3. Marine Ecology*

3.1 As far as we can determine this development will be on an existing site within the confines of the harbour and as such we have no concerns about marine ecology.

### *Regulatory advice for the applicant*

## *4. Regulatory requirements*

4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office at:

Silvan House, SEPA 3rd Floor, 231 Corstorphine Road, Edinburgh EH12 7AT.

Tel: 0131 449 7296

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

### **Environmental Protection response - dated 29 August 2018**

The site is located on the West side of Chestnut Street it is currently surrounded by existing commercial single storey units to the south, existing residential flats to the North and an existing industrial estate to the west.

The development proposals comprise a two storey GPs, GF level Pharmacy with Dental Practice above, five ground floor level retail units. The use of other five units is unknown although we expect light retail (i.e. takeaway food, coffee shop, cafe, corner shop). Opening hours for all units would be expected to be within the daytime (7am-11pm), although early morning deliveries would be likely (5am-7am).

The applicant has submitted a support noise impact assessment. This has demonstrated that no mitigation measures will be required to ensure neighbouring amenity is protected. Environmental Protection accept this assessment.

Environmental Protection have raised concerns regarding the potential impacts this larger master planned development may have on local air quality. This was due to the increase in numbers of car parking spaces. Environmental Protection encouraged previous applications for this site to keep parking numbers to a minimum and make provisions for electric vehicle (EV) charging throughout the development. It is noted that the proposed car parking numbers have been reduced from that in the previously withdrawn application and that the applicant will be installing 3 electric vehicle charging points in line with the Edinburgh Design Standards. The applicant should install a rapid EV charging point of the following standard with further technical details available in the Edinburgh Design Standards;

70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

The applicant has committed to installing the EV charging points and provide details of where they will be located on drawing A-P00-G1-005 - C dated 2017.

Environmental Protection also advised the applicant that all CHP/energy plant units must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass.

*If class 3 uses are being proposed the termination points of the kitchen extracts will need to be carefully considered in relation to the proposed and existing neighbouring uses. This information has not been submitted therefore we cannot support the provision of any class three uses as part of this AMC application.*

*The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed*

*Therefore, Environmental Protection offers no objection subject to the following conditions;*

*Prior to the use being taken up, one double headed 7 Kw (Type 2) charger and one rapid electric vehicle charging point, capable of 70 -50kW (100 Amp) DC with 43kW (64 Amp) AC output shall be installed in the commercial car parking area as per drawing A-P00-G1-005 - C dated 2017.*

*1. 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*

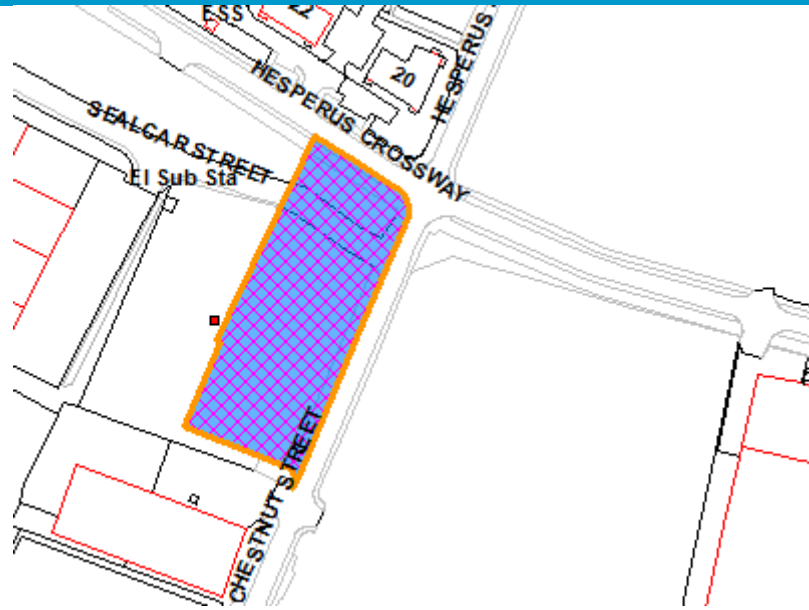
*b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.*

*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.*

*3 No Class 3 use shall be allowed until details of the extract flue and ventilation system, capable of 30 air changes per hour have been submitted.*

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 26 September 2018

## Application for Planning Permission in Principle 17/05742/PPP

**At 14 Bonnington Road Lane, Edinburgh, EH6 5RB**  
**Application for planning permission in principle for residential development (up to 220 units) together with commercial space and associated works (including demolition of building) at the former John Lewis Depot, Bonnington.**

<b>Item number</b>	7.1
<b>Report number</b>	
<b>Wards</b>	B12 - Leith Walk

## Summary

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The proposed residential development with commercial units is acceptable in principle and complies with the Development Plan and the Council's non-statutory guidance. A condition securing the quantum of business floorspace is attached to ensure compliance with Edinburgh Local Plan (LDP) Policy Emp 9.

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## Links

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### [Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN08, LEN09, LEN12, LEN15, LEN16, LEN18, LEN20, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03, LTRA04, LTRA08, NSG, NSGD02, NSDCAH, NSOSS, OTH, DBBON,

# Report

## **Application for Planning Permission in Principle 17/05742/PPP**

**At 14 Bonnington Road Lane, Edinburgh, EH6 5RB  
Application for planning permission in principle for  
residential development (up to 220 units) together with  
commercial space and associated works (including  
demolition of building) at the former John Lewis Depot,  
Bonnington.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is located on the east of Bonnington Road Lane and west of Anderson Place. The Water of Leith forms the site's northern boundary. The riverside edge is tree lined, including a section of leylandii towards Anderson Place. A B listed warehouse converted to residential use is opposite the site on Anderson Place. The site covers approximately 1.96ha. It is the former depot (storage and distribution use) for John Lewis Ltd and the now vacant warehouses are proposed to be demolished. The site sits within a wider area of mixed industrial uses which is undergoing significant change with a number of new residential developments planned or under construction in the immediate vicinity.

#### **2.2 Site History**

7 August 2008 - Bonnington Development Brief approved for the area including this site.

Other relevant applications in the area:

13 May 2016 - Minded to grant subject to legal agreement for the proposed development of 14 flats (as amended) at 2-4 Bonnington Road Lane (application number: 14/05146/FUL).

7 Nov 2016 - Permission granted for residential development consisting of 201 dwellings and 2no. commercial spaces with associated parking and landscape works (as amended) at 5,15,15A Bonnington Road Lane (application number: 15/05457/FUL).

23 Mar 2017 - Permission granted to construct 98 No. residential units with commercial space, ground floor frontage, associated parking, landscaping and accesses at 54 metres southeast Of 20 West Bowling Green Street (application number: 16/03138/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

Planning permission in principle (PPP) is sought for residential development with commercial space and associated works.

In support of the application, an indicative site layout plan showing the siting of blocks, storey heights and open space has been submitted to demonstrate how the site could be developed. It shows potential capacity for 220 units, mainly flatted with 27 colony style units. Access into the site is shown from Bonnington Road Lane and a new access off Anderson Place. A flatted block of five to six storeys forms a perimeter block in the southern portion of the site with access taken from Bonnington Road Lane. To the north a six storey flatted block lowering to four storey runs along the western site boundary. Two terraces of colony style units run perpendicular to the Water of Leith. A four storey flatted block fronts onto Anderson Place.

Two residential blocks with commercial units at ground floor are shown adjacent to the Biscuit Factory, to the south of the site.

This site layout is indicative and for information only to demonstrate how the site could develop. Further details on the development of this site will be required to be submitted in applications for matters specified in conditions, if planning permission is granted.

### **Supporting Statements**

The following statements were submitted to support the application:

- Masterplan;
- Design & Access Statement;
- Sustainability Statement form;
- Planning Statement;
- Pre-Application Consultation Report;
- Environmental Report;
- Ecology report;
- Archaeology;
- Flood Risk Assessment;
- Noise Impact Assessment;
- Ground Conditions - phase 1 review for soil or groundwater contamination;
- Transport Assessment;
- Tree Survey;
- EIA Screening Opinion; and
- Construction Environmental Management Plan.

These documents are available to view on the 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 principle of the development is acceptable on this site;
- (b) the scale, design and layout of the development is acceptable;
- (c) the impact on the ecology;
- (d) impact on the setting of adjacent listed building;
- (e) the proposal would raise archaeological, drainage, flooding or contamination issues;
- (f) the proposal would have acceptable transport impacts;
- (g) there is sufficient amenity for existing neighbours and future occupiers;
- (h) the proposal meets sustainability criteria;
- (i) the proposal has impacts on infrastructure; and
- (j) public comments raise issues to be addressed.

#### **(a) Principle**

##### Business Floorspace

The site is in the urban area as identified in the adopted Edinburgh Local Development Plan (LDP) where housing and compatible uses are appropriate. Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan.

The site's last use was an employment use and LDP Policy Emp 9 Employment Sites and Premises applies. This allows for the introduction of non-employment uses that will not prejudice or inhibit the nearby activities in employment use, and where the proposal is part of a comprehensive regeneration of the wider area. This policy requires sites over one hectare to include floorspace designed to provide for a range of business users. The indicative amount of 400 sq m and location of business floorspace is shown in the site layout plans submitted in support of this application.

A 'Requirement for replacement business space: demand assessment' was submitted in support of the application. LDP Policy Emp 9 does not only concern 'office' use but other business users within the 'business' use class, therefore it is appropriate to focus on the assessment of 'flexi' business space and industrial space. The assessment acknowledges the lack of industrial space but noted examples where new spaces were at either subsidised or non-market rent spaces. The assessment proposes Class 2 office uses as well as Class 4 business uses be considered within the development at a maximum of 350 sq m (under the indicative quantum shown in drawings).

Economic Development's response has requested a restriction to Class 4 in order to address the shortage of flexible business space. Class 2 office use is generally directed to local and town centres where the use can change to a Class 1 shop use without requiring planning permission and these uses do not meet the objective of LDP Policy Emp 9. A condition attached to this PPP application restricting the business floorspace to Class 4 use is appropriate. Economic Development has requested a minimum of 900 sq m of business space as this is roughly equivalent to the employment density of 78 FTE lost to the retail distribution depot's relocation. LDP Policy Emp 9 does not specify the quantum of replacement business floorspace instead emphasises the provision of flexible space for a range of business users. Therefore it would not be reasonable to require full reprovision of lost floorspace as calculated using employment densities.

The location for the six commercial units with a total floorspace of approximately 400 sq m has been tested with the submitted indicative site layout plan. It shows two ground floor units on Anderson Place and a further four units on the lane servicing the Biscuit Factory and other business units. These are visually prominent locations that can secure appropriate access and servicing for future business occupiers. It is considered that this amount of floorspace is sufficient to address LDP Policy Emp 9. Furthermore, grouping the units next to the Biscuit Factory allows them, at ground floor level, to act as a buffer from activity from the existing commercial neighbour and future residents. For these reasons, the siting and amount of the commercial floorspace will be secured by condition. Other aspects of the units' detailed design, in as much as planning can control (such as ceiling heights, door access, parking), that will determine if the units are flexible for use by a range of business uses, will be considered at the AMC stage.

## Bonnington Development Brief

The Bonnington Development Brief (approved in 2008) sets out principles for the development of uses other than industry in the Bonnington Area. While the Brief was prepared ten years ago, the objectives remain valid: to guide appropriate mix of uses, coordinate and connect missing links in the network of pedestrian/cycle routes and greenspaces. Specific to this site, the Brief seeks to extend Bonnington Road Lane north towards the river; maintain the existing character of the riverside which is predominantly soft and vegetated; and redesign the existing area of green space in the site as an area of publically accessible open space. The principle of residential with commercial business space is addressed above. The layout and connections shown in the indicative site layout plans are considered to meet the Brief and are addressed in section (b) below in detail.

### Affordable Housing

There will be an affordable housing provision requirement of 25% of the total units. This will be secured through a legal agreement.

### **(b) Scale, design and layout**

The application is for planning permission in principle and therefore detailed designs have not been submitted. However, the application is supported by a masterplan and an indicative layout site plan. These plans, while not to be approved as part of this PPP application, have formed the basis of assessing the site's potential to develop in a way that accords with the development plan and other guidance. These are addressed in turn below.

### Site layout

The indicative plan show six blocks in a layout that continues the built form along Anderson Place, and on Bonnington Road Lane flats face flatted development under construction. Vehicular access off Anderson Place creates a street that connects to the neighbouring residential development (under construction). In addition to the site's layout, the indicative plans demonstrate how the site immediately to the west, which is in active use as a storage facility, could potentially be developed in a way that works with this site's block layout. This demonstrates compliance with LDP Policy Des 2 Coordinated Development.

A small section to the north of the site is designated amenity open space in the LDP. This is shown as partly retained and developed out as a linear greenspace in the indicative layout.

### Heights

An indicative massing plan was submitted to facilitate understanding of the impact on the local townscape character and demonstrates that the heights indicated in the site layout plan do not breach the protected skyline view of the Salisbury Crags from South Fort Street (Key View N4 South Fort Street - Salisbury Crags) in line with LDP Policy Des 11 Tall Buildings. However, block plans and block heights will be considered at AMC stage.

## Overshadowing and daylighting

A sun path diagram was submitted and demonstrates that the indicative layout can meet the Council's guidance and the layout will not materially impact on the neighbouring block with regards to overshadowing. However, as heights are not approved at this time the full impact can only be assessed at the AMC stage, as will the impact on daylighting of adjacent properties when full building details are provided.

## **(c) Ecology**

The site's northern boundary is the Water of Leith which is identified under LDP Policy Env 15 as a local nature conservation site. The key issue is the maintenance of this important green network. An ecology report was submitted in support of the application. The report identifies protected species using the Water of Leith in this area. In accordance with LDP Policy Des 10 Waterside Development, this development should maintain or enhance the water environment, its nature conservation or landscape interest including its margins and river valley. The Edinburgh Design Guidance advises a 15 metre setback between the river and new development. The indicative plans show a linear greenspace along the site's northern edge, with a reduction of the massing of the development blocks. Pedestrian and cycle access along the Water of Leith is established on the northern bank. The detailed design of the landscape treatment at this sensitive location and the precise location of the path access along the water's edge within the site will be dealt with as a reserved matter. However, at this PPP stage, a 15 metre setback is conditioned to provide the parameters of where development in principle is acceptable on the site, and to minimise potential adverse impacts of development on the nature conservation site in line with LDP Policy Des 10, Env 15 and Env 16.

Existing broadleaved woodland on site has also been identified as having biodiversity value. In accordance with LDP Policy Des 3 and Env 12 this habitat should be incorporated into the design or compensation tree planting, commensurate with the biodiversity loss, should be included. Table 4.1 of the ecology report sets out mitigation and enhancement measures which should be adhered to in any future development. Any future scheme would need to be supported by an updated ecology report.

## Conclusion

The development layout will not be approved with this application. However, the indicative plan submitted shows a potential layout with a strong development frontage onto Anderson Place, and shows a street network that continues that established in the adjacent residential development (under construction), and future connections to the pedestrian bridge over the Water of Leith. This is in line with the principles of the development brief and accords with LDP Policy Des 2 Coordinated Development. Applying a condition to secure a greenspace buffer of 15 metres from the Water of Leith in order to protect its nature conservation value and direct an appropriate development layout in line with LDP Policy Env 15 Sites of Local Importance and Des 10 Waterside Development.

The site layout will only be approved at the AMC stage along with detailed designs regarding façade treatment, materials and landscape treatment.

#### **(d) Impact on the setting of adjacent listed building**

To the east of Anderson Place is a red brick B listed four to eight storey former sugar mill and warehouse converted to residential use in 2004. It is largest surviving example of a bonded warehouse in Edinburgh and an example of the industrial fabric of Leith. The proposed development, as shown in the indicative layout, remains within the range of heights of historic neighbouring properties as required by the Edinburgh Design Guidance and continuing a frontage onto Anderson Place is appropriate. However, the impact of the development on the listed building will be tested at the AMC stage when details of development blocks, elevational treatment and materials will be provided.

#### **(e) Drainage, archaeology and contamination**

##### Drainage

SEPA initially objected to the application on the grounds of lack of information. Their objection was removed once a revised Flood Risk Assessment (FRA) and Self Certification Certificate and checklist was submitted. The assessment is to the satisfaction of the Council's flood prevention team. The SEPA Flood Map indicates that the site lies immediately adjacent to the 0.5% annual probability (or 1 in 200-year) flood extent and may therefore be at medium to high risk of flooding from the Water of Leith. However, given that the site sits at 8mAOD and the Water of Leith is considerably lower at this location, there is no objection on flood risk grounds. The indicative surface water drainage strategy has used the indicative layout to demonstrate compliance with guidance on the attenuation of surface water flows and peak discharges. As this is a planning permission in principle, a condition can secure that the finalised details of the proposed drainage network are submitted at the AMC stage.

##### Archaeology

The site is identified within an area of archaeological and historic significance for potential buried industrial (medieval mills) and military (16th century sieges of Edinburgh and Leith) archaeology. A condition is required to secure a programme of archaeological work.

##### Contamination

Based on the site's former use, a standard condition is required to ensure a site investigation, including asbestos assessment, is carried out and any appropriate measures taken before construction.

## **(f) Transport Matters**

A Transport Assessment (TA) has been submitted and is based on the indicative layout and up to 220 residential units and six commercial units. The assessment demonstrates that the traffic impact from the proposed development will result in a net reduction in vehicle (car) trips from the prior use as a retail distribution centre. In particular there will be a reduction in heavy goods vehicles accessing the area. The assessment calculates that traffic associated with the proposed development will have no significant impact on traffic volumes on the local road network and no significant impact on the capacity of the Bonnington Road Lane/Bonnington Road junction which is assumed to be the main route into the proposed development site. The site is not within an Air Quality Management Area and impacts on air quality are related to the predicted vehicular traffic which demonstrates a net reduction.

The site is within 400 metres of bus stops for two services (Lothian buses number 11 and 36) and within approximately 900 metres from Leith Walk where further bus services are available. The indicative layout connects the site to the Core Path Network Path (CEC 18) and the Water of Leith Walkway via Anderson Place. A potential future connection providing a more direct route from the site to the footpath bridge over the Water of Leith Walkway is indicatively shown.

The access arrangements, number and location of parking and other infrastructure such as number and location of disabled parking bays, electric vehicle charging points and cycle parking will be considered at AMC stage. However, in support of this application the indicative layout shows around 66% - 70% provision of parking spaces. This is largely acceptable, but more detailed analysis demonstrating compliance to current Council parking standards for the area (Zone 2) as set out in the Edinburgh Design Guidance will be provided in subsequent applications.

Under the finalised supplementary guidance for Developer Contributions and Infrastructure Delivery (2018) the site is not within a transport contribution zone. In accordance with LDP Policy Del 1 and Tra 8, a transport assessment was submitted and has shown there is no net transport impact and therefore no mitigating interventions are required.

## **(g) Amenity for existing neighbours and future occupiers**

### Noise

The site is immediately north of the Biscuit Factory, a former factory now in use as a distillery, small business studios and a gallery/event space for hosting ad hoc licensed events. A noise impact assessment was submitted to understand the noise impacts from ambient noise (the surrounding road network), plant noise (from the Biscuit Factory's normal operations) and from its ad hoc events using a PA system for music (approximately once a month). The assessment used the indicative site layout plan to determine the noise impact from these existing uses on specific residential building block facades and to identify potential mitigation.

When assessed against noise impacts from ambient noise and plant noise the majority of the proposed development can achieve the Council requirements with adequate ventilation provided by openable windows. However, some facades require trickle vents and closed windows to meet the standard, mainly along the Anderson Street façades. The assessment was carried out when the depot was in use and so includes HGV movements. It is considered likely that a further assessment, now that the depot is not in use, may reduce the areas where trickle vents are required.

When assessed against ad hoc occasional events with music from a PA system the majority of habitable rooms facing away from the Biscuit Factory can meet the Council's music noise requirement with windows open. Habitable rooms facing directly towards the Biscuit Factory require enhanced façade and glazing constructions and windows to remain closed during the music events to meet the Council's standard. Ventilation would have to be provided by mechanical means with closed windows. A scenario was also tested using a fence in front of the Biscuit Factory which showed a reduction in the amount of enhanced double glazing but did not allow any additional habitable rooms to meet the Council's music noise requirement with open windows. Ground floor commercial units are situated in the blocks shown to be most affected by the plant and music noise from the Biscuit Factory. For this reason it is appropriate to condition the location of the ground floor commercial units to blocks adjacent to the Biscuit Factory.

A further noise impact assessment is considered necessary to determine the noise impacts on any future detailed block layout, habitable room layout and window and façade details. This can be dealt with by condition.

## **(h) Sustainability**

The proposal is for planning permission in principle and is not at the detailed stage in terms of site layout and building design. Sustainability measures will require consideration at the matters specified in conditions stage.

## **(i) Infrastructure**

### Healthcare

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for seven GP practices and it is anticipated that the additional patients can be absorbed in existing practices and no new actions are required.

### Education

The site falls within the Drummond Education Contribution Zone. The Council has assessed the impact of the proposed development on identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Developer Contributions Supplementary Guidance. The proposed development is therefore required to make a contribution towards the delivery of these actions based on a per house and per flat contribution, using the housing figures shown in the indicative layout. The per unit contribution required by Children and Families is £856 per flat and £3,668 per house. This will be secured through a legal agreement.

## **(j) Public comments**

Thirteen letters of representation were received.

### **Material Representations - Objections:**

- Impact on natural light, especially first four floors of the Bond building and privacy - addressed in section 3.3b).
- Increase in traffic on surrounding streets and the proposed vehicular access onto Anderson Place and from Bonnington Road Lane and impact on air quality - addressed in section 3.3f).
- Impact on existing on-street parking - addressed in section 3.3f).
- Impact on public transport (11 and 36 routes overcrowded in the morning peak) - addressed in section 3.3f).
- Parking provision is too low - addressed in section 3.3f).
- Asbestos assessment be carried out prior to any demolition works - addressed in section 3.3e).
- Ensure greenspace designed and can meet guidance on overshadowing of outdoor space - addressed in section 3.3b).
- Impact on the setting of the listed Bond building and ability to assess impact at PPP stage; heights out of proportion with historic buildings - addressed in section 3.3d).
- Impact on Water of Leith from residential pollution and interference - addressed in section 3.3c).
- Impact on local services - GPs, school, nurseries - addressed in section 3.3l).

### **Other material representations - comment only:**

- Does not take account the cumulative impact of this and nearby developments on community facilities - schools, health care, zero waste policy - addressed in section 3.3l).
- Questions the transport assessment which minimises the impact of the site traffic on the surrounding road network by using flawed correlations and assumptions; TRICS data not comparable for this development size and location; biased transport assessment - addressed in section 3.3f).
- Confirmation that 20% of the site is indeed usable green space - addressed in section 3.3b).
- Surface water drainage issue on Anderson Place - addressed in section 3.3e).
- Provide covered secure cycle parking - addressed in section 3.3f).
- Seeks that the application proposal does not compromise short or long term uses, including alternative uses of the Biscuit Factory site in the future. Highlight the potential noise impact of proposed residential uses to be detrimentally affected by the existing activities undertaken at the Biscuit Factory. Notes that access to commercial properties is on land owned by Biscuit Factory/soap works - addressed in section 3.3g).
- Concern that the rise in development in area will impact on the ecology of the river, the walkway and landscape value of the area, but note that the impact, including overshadowing on the river, is hard to understand due to lack of information at this stage. Integrity of the river bank must be maintained, as required by LDP Policy Des 10 - addressed in section 3.3c).



### **Non-material comments:**

- Noise from construction phase.
- Maximise developers financial gain to the detriment of the surrounding neighbourhood.
- Impact on views from the Bond Buildings.
- No evidence that developer contributions have resulted in improvements to public infrastructure.
- Impact on public realm which is often left in a worse state after development.

### **Leith Central Community Council**

- Six storey is out of character with surrounding four or five storey - addressed in section 3.3b).
- With the higher rise flat blocks on the southern side of the site, the minimum recommended 25 degree for direct sunlight is not likely to be achieved. (The sectional drawing shows the site being level, which is not the case as it slopes towards the Water of Leith.) - addressed in section 3.3b).

### **Conclusion**

The proposed residential development with commercial units is acceptable in principle in this location. The indicative site layout plans, while not to be approved as part of this PPP application, have informed the assessment of the site against relevant local development plan policies. Securing the quantum of Class 4 business floorspace at the PPP stage ensures the principle of the redevelopment of employment land as required by Policy Emp 9 and the Bonnington Development Brief.

In terms of transport impacts, the transport assessment indicated they are acceptable, and the parking provision will be considered at the AMC stage. A noise impact assessment was carried out and demonstrated some facades are impacted by the surrounding uses and cannot meet the open window noise standard. The noise impact will be the subject of further noise assessment studies at the AMC stage to consider the details of appropriate mitigation of noise to protect the amenity for existing neighbours and future occupiers.

With regards to flooding and drainage, a flood risk assessment was prepared to the satisfaction of the flood team and with no objection from SEPA.

Subject to conditions, there are no issues with regard to contamination or archaeology. Subject to appropriate contributions being made, there are no issues with education infrastructure. The provision of affordable housing will be conditioned and secured by legal agreement.

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

### 3.4 Conditions/reasons/informatives

#### Conditions:-

1. Prior to the commencement of works on site, details of the under-noted matters shall be submitted and proved by the Planning Authority, in the form of a single package of information, and include detailed plans, sections and elevation of the building and all other structures.

#### Approval of Matters:

- (a) the number of residential and commercial units;
  - (b) the mix of residential types and sizes;
  - (c) the siting, design and external appearance of building blocks, including glazing, materials, urban realm and other structures;
  - (d) the detailed heights of the building blocks;
  - (e) the design and layout of accesses, servicing areas and road layouts including alignment, cycle routes, footways and verges;
  - (f) the detailed arrangement and number of car and cycle parking spaces including disabled spaces and EV charging points;
  - (g) surface water and drainage arrangements;
  - (h) the amount and siting of public and private open space;
  - (i) hard and soft landscaping details, including:
    - walls, fences, gates and any other boundary treatments;
    - details of any tree removal, tree protection measures and the location of new trees, shrubs and hedges;
    - a schedule of plants to compromise species, plant size and proposed number/density;
    - programme of completion and subsequent maintenance;
    - existing and proposed services such as cables, pipelines, substations;
    - other artefacts and structures such as street furniture, including lighting columns and fittings;
    - details of phasing of these works;
    - existing and finished ground levels in relation to Ordnance Datum.
  - (j) full details of waste management and recycling facilities;
  - (k) full details of sustainability measures in accordance with the Edinburgh Design Guidance.
2. The ground floor commercial premises shall be restricted to Class 4 (Business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 only and shall be designed for a range of business users in Class 4 use; the quantum shall be a minimum of 400 sq m and the location of commercial floorspace shall be adjacent to the Biscuit Factory on Anderson Place and/or on the lane connecting Bonnington Road Lane with Anderson Place.
3. No built development shall be within 15 metres of the Water of Leith's 1:200 flood water level.

4. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis and reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. A revised noise impact assessment is required to be submitted at the AMC stage to determine the requisite noise mitigation measures of the ambient noise and road traffic noise and the plant noise associated with the adjacent Class 5 uses.
6. An updated Ecology Report is required to be submitted at the AMC stage.
7. If more than 220 residential units are proposed a revised transport assessment is required to be submitted at the AMC stage
8. 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.

**Reasons:-**

1. In order to enable the Planning Authority to consider these matters in detail.
2. To define the permission.
3. In order to protect the ecology of the river.
4. In order to safeguard the interests of archaeological heritage.
5. In order to protect the amenity of the occupiers of the development.
6. In order to safeguard the interests of ecological value.
7. In order to consider the transport impacts.
8. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

## Informatives

It should be noted that:

### 1. Legal Agreement:

A legal agreement is required and must be signed before planning permission is granted for the following developer contributions:

### Education

A contribution of £856 per flat (two or more bedrooms) and £3,668 per house (indexed from Q4 2017).

### Affordable Housing

Of the total number of residential units, at least 25% shall be developed for affordable housing provision.

2. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.  
  
b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at [www.edinburgh.gov.uk/biodiversity](http://www.edinburgh.gov.uk/biodiversity).
4. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent. Street and road designs should be in-line with the Edinburgh Street Design Guidance Fact Sheets.

## Financial impact

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### 4.1 The financial impact has been assessed as follows:

A legal agreement is required to secure a financial contribution towards affordable housing and education infrastructure.

## Risk, Policy, compliance and governance impact

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

This application has no impacts in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

The application meets the requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

A Proposal of Application Notice was submitted and registered on 5 July 2017. Copies of the Notice were also issued to:

- Leith Central Community Council
- All ward councillors

A community consultation event was held on 5 September 2017. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online services.

The pre-application report on the proposals was presented to Committee on 20 September 2017.

The proposals were submitted to the Urban Design Panel on 28 June 2017. Full details of the response can be found in the Consultations section.

### **8.2 Publicity summary of representations and Community Council comments**

Thirteen letters of representation were received: eight objections and five other comments. These included comments from the Leith Central Community Council and the Water of Leith Conservation Trust.

A full assessment of the representations can be found in the main report in the Assessment section.

## **Background reading/external references**

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

- [Scottish Planning Policy](#)

**Statutory Development  
Plan Provision**

The site is within the urban area of the adopted Edinburgh Local Development Plan (LDP).

It is located within the area covered by the Bonnington Development Brief (August 2008).

The site is adjacent to the Water of Leith Local Nature Conservation Site.

**Date registered**

8 December 2017

**Drawing numbers/Scheme**

(01) Location Plan,

Scheme 1

**David R. Leslie**  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Naomi Sandilands, Planning Officer  
E-mail:naomi.sandilands@edinburgh.gov.uk Tel:0131 529 6205

**Links - Policies**

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**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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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 Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.



LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

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

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

### **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.

**Non-statutory guidelines** on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.

## **Other Relevant policy guidance**

The Bonnington Development Brief sets out planning and design principles to guide the redevelopment of an area currently occupied predominantly by business and industrial uses.

# Appendix 1

## **Application for Planning Permission in Principle 17/05742/PPP**

**At 14 Bonnington Road Lane, Edinburgh, EH6 5RB  
Application for planning permission in principle for  
residential development (up to 220 units) together with  
commercial space and associated works (including  
demolition of building) at the former John Lewis Depot,  
Bonnington.**

### **Consultations**

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#### **Waste Management response – dated 12 December 2018**

Waste and Cleansing services takes no stance either for or against the proposed development but as a consultee would make the following comments.

#### Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households.

It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

#### Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland. Developers must make provision for the full range of bins: landfill waste, mixed recycling for paper and packaging, glass and food.

For low density properties, we would recommend individual kerbside collections. This provides each property with landfill (140 litres); mixed recycling (240 litres), glass (box), food box and internal caddy. All of these must be presented on the day of collection before a specified time and removed thereafter. They must otherwise be stored off street at all times.

For high density properties, we would recommend communal waste containers, for: landfill waste, mixed recycling for paper and packaging, glass, and food.

Key points are:

- each bin store must accept the full range of materials in bins, segregated as outlined above. It is not acceptable to have some types of bin in one bin storage area, and others in a different collection point, as recycling is a fully integrated part of the service;
- the maximum size of a food bin is 500 litres; and that of a glass bin is 660 litres, which are both smaller than other types of waste due to weight issues;
- provision must be made for the storage and disposal of bulky wastes such as furniture produced by the residents, and indeed access to those by our collection teams.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost- this will probably be most convenient for them.

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.

The waste collection teams will require safe and efficient access to these from the earliest occupation. Developers need to ensure that services are accessible so that collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.

#### Waste Strategy and Letter of Agreement

To agree the Waste Strategy and provide a Letter of Agreement I would need to be provided with further information as per below information:

- Swept path analysis for 13m vehicles as specified in the Architects Instructions (attached to the email) for all road used by Waste and Cleansing Services and that will be included in the RCC application
- Site layout
- Bin stores drawing servicing flats (high density properties) including also location, dimensions, number of flats serviced per each bin store, distance for residents to dispose of their waste and recycling, distance between bin stores to vehicle collection point, opening of doorways, drop kerbs etc.
- For low density properties (i.e. colonies) presentation points will need to be identified if waste and recycling vehicles cannot access the kerbside.

#### **Archaeology response – dated 14 December 2017**

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for planning permission in principle for residential development (up to 220 units) together with commercial space and associated works (including demolition of building) at the former John Lewis Depot.

The site lies on the eastern (downstream) limits the area associated with Bonnington Mills. The mills at Bonnington formed part of the lands given to Holyrood Abbey in its foundation charter of 1128AD. Though the exact location of these early medieval mills are unknown, mills in this location are recorded further upstream from the 15th century adjacent to Newhaven Road Bridge. The area incorporating this was affected by the 16th century sieges of Edinburgh and Leith, with the Petworth Map depicting the 1559-60 Siege suggesting that the site formed part of the area for encampment of Lord Gray and the Earl of Arran's forces.

The first detailed maps of the area date to the end 18th / early 19th centuries. Ainslie's 1804 map (fig1) shows Haig's Distillery as lying across the western boundary of the site, with much of the site open ground until the mid-19th century. The 1876 OS map records the construction of the Bonnington Sugar Refinery across the site's eastern boundary but significantly the construction of the Vulcan Foundry and separate biscuit factory across the site's southern half. By the end of the century the site was further developed with small railway goods yard linking the industrial sites on both banks of the Water of Leith

The application site has been identified as containing occurring within an area of archaeological and historic significance both in terms of potential buried industrial and military archaeology. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies DES 3, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

### Buried Archaeology

The proposals will require significant ground breaking works in regards to the construction of the various phases of development. Such works will have significant impacts upon any surviving archaeological remains relating to the sites industrial uses (18th century Haig's Distillery, former 19th century mill and foundry) but also potentially relating to the mid-16th century sieges of Leith.

Given the potential for significant archaeological resources to occur across the proposed area, it is essential that if consent is granted for this scheme that an archaeological mitigation strategy is undertaken prior to development and agreement of detailed site layout designs. This strategy will require the undertaking of phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation (min 10%).

The results from this initial phase of work will allow for the production of more detailed mitigation strategies to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains during each phase of development.

## Public Engagement

As stated not only does the site contain significant historic buildings but it is likely to contain a wealth of associated industrial archaeological remains. It is therefore considered essential therefore that a programme of public/community engagement is undertaken during all subsequent phases of development. The full the scope of which will be agreed with CECAS but will include: site open days, viewing points, temporary interpretation boards and exhibitions.

In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;

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

### **Economic Development response – dated 21 December 2017**

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 17/05742/PPP for a residential-led redevelopment of 14 Bonnington Road Lane, Edinburgh.

#### Commentary on existing use

The application relates to a 5,386 sqm warehouse at 14 Bonnington Road Lane and its grounds. The warehouse is currently owned by the John Lewis Partnership which developed it in 1973 as a depot.

It has been reported that the depot until recently employed 78 people, which is a typical employment density for a regional distribution warehouse. The average gross value added (GVA) per annum for employees in the "transport and storage" sector was £60,254 as of 2015. This indicates that the warehouse could be expected to support annual GVA of £4.70 million (2015 prices) (78 × £60,254). Higher density, higher values uses such as manufacturing could be expected to support higher levels of economic activity.

The surrounding areas is, as with much of Bonnington, characterised by an uneasy mix of industrial and residential uses. The site is bounded by the Water of Leith to the north; former bonded warehouses converted into flats to the east; industrial and residential units to the south; and a former industrial estate being redeveloped into flats to the west. To the immediate southeast of the site is the Biscuit Factory, a former factory now used as a creative hub. The site is currently fenced on all sides creating an unattractive and unwelcoming aspect. The public realm is low quality with high levels of on-street parking and narrow or non-existent pavements.

The site in question is 1.96 hectares. Policy Emp 9 (“Employment Sites and Premises”) of the Local Development Plan therefore applies. This mandates that the redevelopment of the site incorporates “floorspace designed to provide for a range of business users”.

There is a growing shortage of industrial space in Edinburgh due to a combination of steady demand, the loss of existing space to alternative uses, and an extremely weak development pipeline. This is creating pressures for both traditional industrial occupiers and occupiers in the creative and cultural sectors who regularly make use of this space as affordable studio space.

#### Commentary on proposed uses

The application proposes a development of six blocks. Four would be wholly residential, while two would be primarily residential with commercial units on the ground floors.

\* Class 2 – Financial, professional and other services / Class 4 – Business

The development as proposed would deliver six commercial units in the use class 2 and/or 4. The developer has not provided a quantum for these units, but the documents submitted suggest a total net internal area of approximately 350 sqm. This represents a 93.5% reduction in commercial space on the site.

The projected economic impact of these units if fully occupied would depend upon their configuration given the different employment densities associated with different use classes. The projected number of full-time equivalent (FTE) jobs directly supported by the units if fully occupied would be 30 for offices; 22 for financial and professional services units; 12 for studios; and 7 for light industrial units. The projected gross value added per annum (2015 prices) supported by the units would be £2.56 million for offices; £1.64 million for financial and professional services units; £0.14 million for studios; and £0.43 million for light industrial units. The overall projected economic impact of the units would therefore be between 7 and 30 FTE jobs and between £0.43 million and £2.56 million of GVA per annum (2015 prices).

It is noted that the application form refers to six commercial units, while the transport assessment refers to seven. The application form and planning statement refer to the units as being in classes 2 and 4, while the design and access statement states “the commercial units should be flexible and allow for class 1,2,3 and 4”. There is therefore a lack of clarity around the developer’s intentions for the commercial units.

Class 3 have permitted change of use of class 1, meaning granting a consent for the developer to deliver class 3 units would effectively enable the developer to deliver class 1 units. The site is within a short distance of the Leith Walk town centre, while there is an existing cluster of shops on the corner of Bonnington Road and Newhaven Road. The area is therefore considered to be relatively well served for retailing with little rationale for granting consent for additional space.

The commercial units are located on the ground floors of two of the blocks, fronting onto Anderson Place. The units flank the Biscuit Factory on either site, creating a continuous stretch of commercial units.

#### \* Sui generis – Flats

The development as proposed would deliver up to 220 residential units. These would not be expected to directly support any economic activity beyond potentially a small number of jobs in factoring and personal services such as housekeeping. However, the units could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 220 units could be expected to collectively spend approximately £5.51 million per annum (2015 prices). Of this £5.51 million, it is estimated that approximately £2.91 million could reasonably be expected to primarily be made within Edinburgh. This £2.91 million could be expected to directly support approximately 30 jobs and £1.02 million of GVA per annum (2015 prices) in Edinburgh, primarily in the retail, transport and hospitality sectors.

#### SUMMARY RESPONSE TO CONSULTATION

The development as proposed would directly support 7 to 30 FTE jobs and £0.43 million to £2.56 million of GVA per annum (2015 prices), with a further 30 jobs and £1.02 million of GVA supported throughout Edinburgh by residents' expenditure.

The applicant has not specified the quantum of commercial space to be delivered and is seeking a flexible consent allowing for classes 2 or 4 to be delivered. These are both considered to be major risks from an economic development perspective as they would allow a nominal quantum of commercial space to be delivered and would allow all of the space to be delivered as class 2 which the Council would have no power to prevent being changed to class 1.

It is suggested that a minimum quantum of commercial space should be mandated within the development as without this there is a high risk that a nominal amount of space will be delivered. Based on average employment densities, a minimum net internal area of 900 sqm could be expected to directly support 78 full-time equivalent jobs if used for office uses, maintaining an equivalent level of employment on the site to the existing warehouse.

It is further suggested that the use class of the commercial units be restricted to class 4 as there is a shortage of this class and there is not considered to be a pressing need for additional class 2 (or 1) space in the area.



## **Leith Central Community Council response – dated 12 January 2018**

1. The application refers to Edinburgh Design Guidance 16 May 2013. This has been recently been updated by a revised document "Edinburgh Design Guidance Oct 2017, and I consider that the design should be in conformity with this latter document.
2. The application includes flats of up to 6 storey. This is out of character with the surrounding developments which are 4 storey or at the most 5 storey.
3. With the higher rise flat blocks on the southern side of the site, the minimum recommended 25 degree for direct sunlight is not likely to be achieved. (The sectional drawing shows the site being level, which is not the case as it slopes towards the Water of Leith.)

## **(SUPERSEDED)SEPA response – dated 17 January 2018**

We object to this planning application on the grounds of lack of information on flood risk. We can only review this objection when the issues detailed in Section 1 below have been adequately addressed. We also draw your attention and the attention of the applicant to the issues identified in 'Detailed advice for the applicant'.

### **1. Flood Risk**

1.1 SEPA staff met with City of Edinburgh Council (CEC) colleagues from its planning and flood protection teams on 20 December last year and we discussed issues around the Standard of Protection delivered by the Flood Protection Scheme (FPS) and related planning applications currently under consideration by CEC.

1.2 We agreed the scope of additional information which the Council would provide to us and to seek a further meeting as early as possible this month. Much of this additional information has now been provided and we have carried out a review of it. We require also to meet with SEPA colleagues to specify the nature of other information we may already hold but which was provided to us for purposes different to the consideration of the FPS. This meeting is scheduled for 25 January. A meeting request has also been sent to CEC to secure a date for a meeting in mid-February.

1.3 Unfortunately all of this means that we are still unable to review our objection to the planning application 17/05742/PPP and we apologise for this on-going delay. We do appreciate the difficulty such delays can cause in the financing and procurement of development sites but we are obliged to consider carefully flood risk when requested by a planning authority. This consideration includes reference to shared duties under the Flood Risk Management Act (2009), Town and Country Planning Regulations, Scottish Planning Policy; and our published flood risk guidance which is available on our website here.

1.4 In August 2017 we published Planning Information Note 4 and a copy of this is attached for your information. This note sets out our position on proposed development behind flood protection schemes. You can also find further Government guidance on its website at Online Planning Advice on Flood Risk.

## Detailed advice for the applicant

1.5 The boundary of the application site runs along the Water of Leith, but there should be no issues or requirements under the Controlled Activities Regulations (CAR) if the river banking is to be left in a natural condition.

1.6 There is an authorised waste transfer station at Powderhall which was the subject of odour complaints in the past, but we are not aware of complaints since the summer of 2016. The lack of complaints may be due to a change in operations at the site. Complaints were made about odour at sites in relatively close proximity to the waste transfer station and the site proposed for development in this application is at a further distance. While we do not think odour nuisance from the waste transfer site will be a problem for future residents we advise you to give this issue some consideration.

## 2. Regulatory requirements

2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office.

### **(REVISED)SEPA response – dated 29 June 2018**

Thank you for your consultation email which SEPA received on 18 June 2018.

## Advice for the planning authority

We have no objection to this planning application. Please note the advice provided below.

### 1. Flood Risk

1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we expect Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

1.2 Review of the SEPA Flood Map indicates that the site lies immediately adjacent to the 0.5% annual probability (or 1 in 200-year) flood extent and may therefore be at medium to high risk of flooding from the Water of Leith. The site is outwith the area of benefit of the Flood Prevention Scheme for the watercourse.

1.3 Review of the information provided in the Flood Risk Assessment, however, shows that the site lies above 8mAOD and the Water of Leith is considerably lower at this location.

1.4 Given the elevation of the site above the Water of Leith we have no objection to the proposed development. The City of Edinburgh Council should be satisfied that the drainage proposals will result in no increase in flows to the watercourse.

## Caveats & Additional Information for Applicant

1.5 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

1.6 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.7 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the city of Edinburgh Council as Planning Authority in terms of the said Section 72 (1).  
Regulatory advice for the applicant

## 2. Regulatory requirements

2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office.

## **Children and Families response – dated 24 January 2018**

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 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 draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

## Assessment and Contribution Requirements

Assessment based on:  
220 Flats

This site falls within the 'Drummond Education Contribution Zone'.  
The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions. The application is for planning permission in principle. The required contribution should be based on the established 'per house' and 'per flat' contribution figures set out below and secured through a legal agreement  
If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Per unit infrastructure contribution requirement:

Per Flat – £856

Per House - £3,668

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

## **Affordable Housing response – dated 29 January 2018**

### 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 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.

\* An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.

### 2. Affordable Housing Provision

This application is for a development consisting of up to 220 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (55) homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council to identify Registered Social Landlord(s) (RSLs) to take forward the affordable and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that the affordable housing will account for 25% (55) of the new homes on site. This is welcomed by the department. The affordable homes are required to be at least two locations on site. They are also required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. The Council aims to secure 70% of new onsite housing for social rent and we ask that the applicant supports the Council aims by entering into an early dialogue with the Council and RSLs to ensure that this is delivered.

In terms of accessibility, the affordable homes are situated within close proximity of regular public transport links and are located next to local amenities in Leith.

### 3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

\* The applicant is requested to enter into an early dialogue the Council to identify the Registered Social Landlord(s) (RSLs) to deliver the affordable housing on site in the first instance

\* The applicant is requested to support the Council aims to secure 70% of the affordable housing on site for social rent

\* The applicant is requested to confirm the tenure type and location of the affordable homes prior to the submission of any future applications

\* The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site

\* In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as “tenure blind”

\* The affordable homes will have to be designed and built to the RSL design standards and requirements.

\* The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

\* An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.

### **Transport response – dated 19 July 18**

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

1. The design and layout of accesses, servicing areas and road layouts including alignment, cycle routes, footways and verges are all reserved matters.

2. Cycle and vehicle parking to be reserved matters and to current Council parking standards for the area (Zone 2) as set out in the Edinburgh Design Guidance;

3. Under the draft supplementary guidance for Developer Contributions and Infrastructure Delivery (2018) there is a requirement for contributions to the Ferry Road Junctions, Leith/Salamander Street and Leith to City Centre Transport Contribution Zones (TCZ), with relevant transport interventions set out in the Edinburgh LDP Action Plan (2018). The agreed contributions will depend on the final make up of development and will be based on the following:

a. Ferry Road Junctions TCZ - £906.70 per residential unit and £54.40 per m2 of leisure, retail or business use;

b. Leith/Salamander Street TCZ (with Ocean Drive component) - £2,323.20 per residential unit and £139.40 per m2 of leisure, retail or business use;

c. Leith to City Centre TCZ - £170.70 per residential unit, £10.20 per m2 of business use and £5.10 per m2 of leisure or retail use;

The existing use of the site will be taken into consideration in relation to transport impacts and will be used to calculate a “net” transport contribution for each zone;

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. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent. Street and road designs should be in-line with the Edinburgh Street Design Guidance Fact Sheets, a particular focus on pedestrian and cyclist priority should be applied;

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

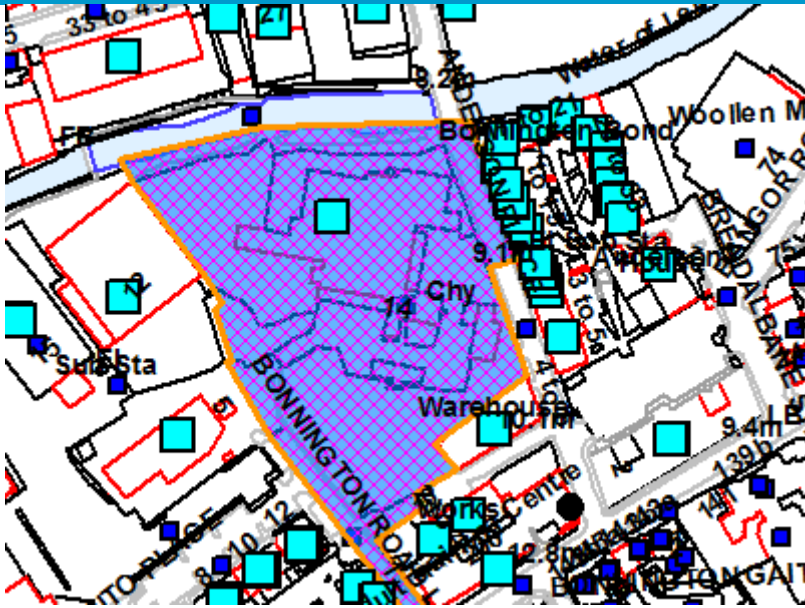
8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

9. 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;

10. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

### Location Plan

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**END**

# Development Management Sub Committee

Wednesday 26 September 2018

## Application for Approval of Matters Specified in Conditions 17/04341/AMC

At 101 Edinburgh Park, Edinburgh,  
Application for matters specified in condition 5 of planning permission 09/00430/FUL (amended).

Item number	7.2
Report number	
Wards	B03 - Drum Brae/Gyle

### Summary

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The proposals to approve the matters specified in condition 5 are considered on balance to be acceptable. The proposed development will create a high quality development incorporating a variety of open spaces and quality public spaces. Concerns remain in relation to the operation of The Street and specifically the proposed tram crossing as considered in application 17/04391/FUL. A condition is recommended linking these applications and delivery of this route.

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDEL01, LDEL04, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LDES10, LDES11, LEN09, LEN12, LEN15, LEN16, LEN18, LEN19, LEN20, LEN21, LEN22, LEMP01, LTRA01, LTRA02, LTRA03, LTRA04, LRS06, NSG, LTRA08, LTRA09, LTRA10, LRS01, NSGD02, NSGSTR, SUPP,
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# Report

## **Application for Approval of Matters Specified in Conditions 17/04341/AMC**

**At 101 Edinburgh Park, Edinburgh,  
Application for matters specified in condition 5 of planning permission 09/00430/FUL (amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site comprises approximately 7.16 hectares of land between the existing Edinburgh Park Northern Phase One and vacant land to the south, with the Edinburgh Park Rail Station beyond. The City Bypass lies directly to the west, with East of Milburn beyond, and the South Gyle Business Park lies to the east. The Edinburgh tram line runs through the site on a north/ south axis. The site is vacant apart from hardstanding used for parking.

The site is part of a wider project for the development of the southern phase of Edinburgh Park dealt with in planning permission reference 09/00430/FUL, which covers approximately 18.45 hectares.

Edinburgh Park is located in West Edinburgh, approximately four miles from the City Centre and two miles from Edinburgh Airport.

Vehicular and pedestrian access to the site is from Lochside Court and Lochside Way on the east and Lochside Avenue on the west. There is additional pedestrian and cycle access from two tram stops, Edinburgh Park Central and Edinburgh Park Station, and the public Gogar Burn route under the bypass. A spur of Lochside Avenue heads east from a mini roundabout on Lochside Avenue towards the south boundary of the site. Two sets of barriers are located on Lochside Avenue to the north and east of the Lochside Avenue mini roundabout.

Core paths and cycle routes 7 and 13 run close to the site.

The partly culverted Gogar Burn runs through the site.

## 2.2 Site History

11 April 2003 - planning permission granted by Scottish Ministers for the Southern Phase of Edinburgh Park to develop offices and other business use, hotel and supporting facilities with associated road works and car parking (application number: 99/02295/OUT).

12 October 2009 - application granted under section 42 of the Town and Country Planning (Scotland) Act 1997 to vary the terms of condition 1 of planning permission 99/02295/OUT by extending the time period by 10 years (application number: 09/00430/FUL).

A series of applications was submitted and approved between 2003 and 2011.

14 July 2011 - Planning permission granted for proposed hotel with restaurant, licensed bar, meeting rooms and coffee shop, associated access, car parking and landscaping (variation to 10/00113/AMC) (application number: 10/00113/VARY).

11 August 2016 - planning permission granted for erection of five storey extension adjacent to existing hotel to provide 80 additional bedrooms, A/C compound, single storey extension to restaurant and associated reconfiguration and extension of car park and external landscaping (application number: 16/02265/FUL). Includes 50 additional car parking spaces.

### Related application

22 September 2017- application for full planning permission for new and upgraded road and infrastructure works with associated landscaping (amended) at land adjacent to, Lochside Way, Edinburgh (application number: 17/04391/FUL).

22 March 2018 - proposal of application notice for application for planning permission proposing the development of the southern phase of Edinburgh Park to comprise a mix of uses including offices (Class 4), residential (Class 9 houses & Sui Generis flats), creche (Class 10) leisure (Class 11), hotel (Class 7), ancillary Class 1, 2 and 3, energy centre, car parking, landscaping and associated works at land adjacent to Lochside Way, Edinburgh (reference: 18/01012/PAN).

### Site to west (East of Milburn)

18 April 2016 - application minded to grant for planning permission in principle for proposed residential development, local centre (including Class 1, Class 2 and Class 3 uses), community facilities (including primary school and open space), green network, transport links, infrastructure, ancillary development and demolition of buildings (application number: 15/04318/PPP) subject to conclusion of legals. The application was called in by the Scottish Ministers on 25 July 2016. The Department of Planning and Environmental Appeals is currently considering the application.

## Main report

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### 3.1 Description Of The Proposal

The application seeks approval for matters specified in condition 5 of planning permission in principle application reference 99/02295/OUT varied by application 09/00430/FUL for office, hotel and ancillary development at Edinburgh Park. Condition 5 states:

Before any work on the site is commenced, details of the undernoted reserved matters shall be submitted to and approved in writing by the planning authority; the submission shall be in the form of a detailed layout of the site (including landscaping and car parking), and detailed plans, sections and elevations of the building/s.

Reserved matters:

- Siting, height, floorspace, levels, external appearance, materials;
- Sustainability of each individual development plot;
- Parking, access, road layout, servicing areas, layout of proposed highway works and crossing facilities for cyclist and pedestrians;
- Details of facilities for buses, taxis, provision of footpaths, cycle routes, cycle storage facilities;
- Hard and soft landscaping;
- Boundary treatment;
- Open space provision; and
- Drainage.

#### Scheme 2

The proposal provides office-led, mixed-use development, with new public space, landscaping and roads. The buildings are: seven office blocks; two multi-storey car park and an energy centre. Within these buildings are also supporting facilities for a development of this scale. These facilities include, class 1 retail, class 3, a health centre and leisure facilities.

The offices are broken down into the following blocks with Gross Floor Areas in square metres as follows:

NW1a - 11,042  
NW1b - 11,182  
NW2a - 25,453  
NW3a - 9,297  
NW3b - 7,811  
NE1a - 15,213  
NE1b - 5,839

Two office blocks and a multi-storey carpark are laid out in a row to the east of the tram line, along the proposed new east/ west road. The remainder of the blocks are on the west of the tram line and grouped around the proposed new public space with sports court. A continuation of the proposed new road is on the south.

The maximum height of the buildings is 74.950 AOD.

The proposed materials are brick, polyester powder coated aluminium, concrete, composite timber cladding and timber lattice, metal (unspecified) doors and panels, glazing. The colour palette is bronze, various shades of grey, tan and yellow. Partial, extensive green roofs (sedum) and service plant areas are marked indicatively on some buildings. Roof mounted solar panels are also proposed although not identified on the submitted drawings.

A fenced outdoor sports court is also proposed in the main public square. Segregated cycle paths would run beside a new two-way, east/west road which contains a series of raised tables. A small roundabout on Lochside Avenue would be removed, along with the existing connection to the internal road, Station Park, and its vehicle barrier. The vehicle barriers on Lochside Avenue would be moved.

The following parking provision is proposed:

- •930 cycle spaces distributed between internal parking in the buildings and external uncovered short stay parking in public areas. Showering and changing facilities are provided for employees in the buildings;
- Two bus stops on the new street (Cross Street), one east-bound, one west-bound;
- 72 motorcycle spaces, of which 36 on street; and
- Two multi-storey car parks totalling 1,372 spaces and 72 spaces for disabled parking. Office basement parking of 58 spaces, and 24 on-street car parking spaces, of which two are taxi parking stands and two are car club spaces.

## **Scheme 1**

Since submission of the application, there have been amendments to the proposal. The main changes are:

- Four-lane road reduced to mainly two lanes;
- Building heights reduced;
- Re-alignment of buildings;
- Landscape and drainage alterations; and
- Design changes to building elevations.

## Supporting information

In support of the application, the applicant has submitted the following documents, which are available to view on the Planning and Building Standards Online Services:

- Ancillary Uses Report;
- Design and Access Statement;
- Ecology Survey;
- Flood Risk Assessment;
- Geoenvironmental Development Appraisal and Appendices;
- Indicative Masterplan;
- Planning Statements;

- Sustainability Statement;
- Surface Water Management Plan and Appendices;
- View Analysis; and
- Transport Statement, appendices and supplementary information.

### **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 proposals are acceptable in principle;
- b) the siting, height, floorspace, levels, external appearance and materials are acceptable;
- c) road layout, transport and active travel are acceptable;
- d) site landscaping and open space are acceptable;
- e) other material issues have been addressed;
- f) sustainability is acceptable;
- g) any impacts on equalities or human rights are acceptable; and
- h) comments raised have been addressed.

#### **a) Principle**

##### Principle of use

The 2009 permission established the general principle of the development. This was assessed in relation to planning policy and guidance applicable at the time. The details reserved by virtue of Condition 5 of the 2009 permission are now assessed in relation to present planning policy and guidance.

The 2009 permission extends the time period of a 2003 permission (planning application reference 99/02295/OUT). The latter is to 'erect offices and other business use, hotel and supporting facilities with associated roadworks and car parking'. In addition to referencing the 2003 permission, the 2009 permission refers to and conditions 'ancillary use'.

The application refers to a mix of uses. The applicant has put forward detailed arguments as to why all the uses it proposes fall within the scope of the outline permission. Some of the uses, such as the proposed offices and parking, are specifically established by the 2009 permission. The status of other proposed uses is less obvious.

### Other business use

While 'other business use' is not defined in the decision letter for the 2009 permission, the Use Classes Order (1997) gives a standard definition. Class 4 (Business) of the order, covers a spectrum of business uses, from offices which are not open to the public, to light industrial use. Studio space for artists, the bicycle workshop and fall within Class 4 and are therefore within the ambit of the outline permission.

### Supporting Uses

The outline permission refers to 'supporting facilities' and does not define them. It is reasonable to consider that small scale class 1 and class 3 uses support the office development and are ancillary to the main use of the area. Due to the scale of the overall office proposed as part of this submission and the wider context of Edinburgh Park the health centre (Class 2 - Financial, professional and other services) could be regarded as a supporting facility in the context. The leisure facilities (Class 11 - Assembly and Leisure) can also be considered within this regard and it is not unusual for an office development/ complex to offer some health and wellbeing benefits to its staff members.

In summary, the proposed uses fall within the scope of the outline permission and are considered to be supporting facilities to an office development of this scale and for the number of employees anticipated within the development.

## **b) Siting, height, external appearance and materials**

While the AMC uses are established by the 2009 permission, the detail of the AMC should be considered in relation to current planning policy and guidance. The design policies of the Edinburgh Local Development Plan (LDP) aim to ensure that: new development is of the highest quality; development takes place in an integrated and sustainable manner; and new and distinctive places are created which support and enhance the special character of the city and meet the needs of users.

The LDP Development Principles for Edinburgh Park/ South Gyle envisage a thriving business and residential community, well integrated with the rest of the city through good transport links, and with a more balanced mix of uses and facilities and high quality public realm and green spaces. The general principles state that proposals should help contribute towards realising the long term vision for Edinburgh Park/ South Gyle, incorporate good cycle and pedestrian links through the site and that a flood risk assessment is to be carried out to inform design and layout of development proposals.

### Siting

Condition 5 calls for a detailed site layout plan. There is no approved site layout plan for the Southern Phase, although the LDP contains principles and an indicative layout plan.

The applicant, in support of this AMC application, has submitted an indicative layout masterplan for the entire southern phase. It has not been fully tested and evidenced and has little weight. LDP policy Des 2 (Co-ordinated Development) encourages a comprehensive approach to re-development and regeneration wherever possible, in order to identify the full design potential for creating successful places.

Masterplan discussions with the same applicant about the southern phase as a whole, are at pre-application stage. Architecture and Design Scotland (A&DS) provided the applicant with some pre-application design input and a proposal of application notice (18/01012/PAN) was submitted for a potential masterplan application. While the A&DS report on the masterplan will not be available until a masterplan application is submitted, A&DS has made limited comment on the AMC proposal. The refinement of the proposed new Cross Street from a dual carriageway to a mainly two lane road, and the inclusion of additional water features, accord with elements of A&DS comment.

The proposed density is greater than the existing development at Edinburgh Park. This reflects the LDP approach to density in this area and is supported, subject to other considerations in creating place.

The building line, height, views in and out, and landscape are crucial elements in the area's character. The proposed AMC layout partially reflects the existing development at Edinburgh Park, with elements of grid layout. LDP policy Del 4 Edinburgh Park/ South Gyle includes a requirement in principle for proposals to include an extension of the existing green space corridor (known as the Lochans) space.

The proposal does not continue the existing building line or the characteristic landscape Lochans space. Instead, it places two office buildings on what would be the continuation. A balance has to be brought to the scheme and the change in density and characteristics of the site. It is also interesting to note that the original Meier Masterplan incorporated a building set within the Lochans which altered the building line within this location. It is considered appropriate to allow a change in characteristics of this area with a different landscape treatment. The positioning of the buildings is accepted. The overall quality of place created and different character is acceptable.

## Height

The proposed building heights are greater than the existing scale of development found across Edinburgh Park. The building adjacent to the development at 8 Lochside Avenue has an AOD height of 68.906m with the proposed new blocks of NW1a and NW2a extending to a height of 73.475m and 74.450m respectively. The increase in height recognises the new phase of development and is considered appropriate within this urban context.

In supporting an increased density on the site and maximising the development potential of the area as set out in policy Del 4 there is a change in character of the area. The proposed offices blocks will change the view from within the existing development at Edinburgh Park. Sufficient space will be provided between the proposed buildings to allow local characteristics including views to the Pentland Hills to be maintained. There are no key views impacted from the proposed development.

The proposed landscaped public realm, including in the new public square and the strips of 'rain garden' in the north east of the site, offer some green elements. The concurrent planning application reference 17/04391/FUL, includes a landscaped travel corridor and running track beside the tramline. It is proposed to include a condition to deliver this prior to occupation of the first office.

The proposed main public square does not meet the Edinburgh Design Guidance recommended minimum sunlighting. It does meet the BRE guidelines for sunlighting. In the dense urban context, this is acceptable. A vibrant square needs active uses at ground floor level and the scheme has potential for this. The proposal would generally provide a positive pedestrian experience during working hours. The public realm west of the energy centre, with its high boundary and lack of overlooking or active frontage is an exception. The individual buildings are generally thoughtful and well-designed. Road layout is addressed in section 3.3.c).

## External appearance

The external design of the individual offices is generally of high quality. The elevations, punctured by setback windows and balcony voids, together with ground floor colonnade elements, are well-balanced and interesting. The west car park is of a strong faceted design and would act as a buffer between the adjacent city by pass and the inner parts of the site. The base of the carpark is at a lower ground level than the bypass and the carpark would be partially softened by trees.

However, its height and length are substantial, particularly in relation to existing structures at Edinburgh Park. Careful choice of materials and colour may help lessen the visual impact. It is therefore recommended that a condition is attached to allow further consideration of the use of the materials on this building.

In summary, the siting, height, materials and external appearance of the proposed development are considered acceptable in establishing a new higher density area within Edinburgh Park. In order to maintain consistency and a quality palette of materials to be used a condition is recommended requiring further submission of materials and a sample panel on site. This expansion will create a strong sense of place by establishing a new phase of commercial development.



## **c) Road Layout, Transport and Active Travel**

### Road Layout

The application proposes a new east- west road ('The Street') to the south of the development blocks. This new street provides access to an internal road and provides an all vehicle linkage between Lochside Avenue and Lochside Court. The Street would cross the tram line and this is considered in a separate application (17/04391/FUL).

The application originally proposed that The Street would be formed of 4 lanes. This has been amended to a single lane in each direction. The reduction of the width of this road is welcomed and reduces the dominance of the road on this area.

The Street would replace the function of Station Park road in providing access for bus services currently servicing Edinburgh Park Station, Edinburgh Park and The Gyle. This alternative bus route is acceptable and will bring public transport into the heart of this scheme.

However, Transport Planning has expressed concerns regarding this route as an all vehicle access across the site. It is considered that the dominance of the car fails to provide the strong public transport connections and priority as required by Policy TRA 1 of the LDP.

It is considered appropriate to limit the crossing of the tram route determined under application (17/04391/FUL) in order to promote the use of active travel and public transport options within the site. It is therefore recommended that a TRO is promoted to limit the movement of traffic towards the tram crossing to only public transport.

In addition there have been extensive discussion between Transport and the applicant with regards to the design of the junctions at either end of 'The Street'. Concerns remain in relation to the scale of the proposed traffic signal controlled junctions. The junctions are widened to two lanes which results in a pedestrian crossing in two sections rather than a single point. The junction footprints are considered to be excessive and fail to comply with the Edinburgh Street Design Guidance. It is recommended that this element of the proposal is further reserved by planning condition to allow for the reduction in size of the junctions.

### Pedestrian Access

The development is within close proximity to the Edinburgh Park Tram Stop. A strong pedestrian connection is provided under planning application 17/04391/FUL to the development. These paths provide segregated provision directly into the existing pedestrian network within Edinburgh. A condition will be required to ensure that these linkages are delivered prior to the occupation of the first office development.

## Parking Provision

Car parking is proposed within two multi- storey car parks. One is positioned on the west side of the site at Lochside Avenue and one to the east at Lochside Way. The total number of parking spaces proposed across the site amounts to 1, 566 spaces. This includes disabled user spaces and spaces for electrical charging. This provision is calculated to be 93 spaces less than the permitted level of car parking established through the original planning permission in principle application. Therefore the proposed parking levels are acceptable.

## Cycle Provision

A total of 930 cycle spaces are proposed across the site. This includes a range of provision within buildings, communal areas and outside public facilities. The provision is in excess of the 871 spaces set out within the standards. The cycle parking proposals are acceptable.

The proposed transport and public transport alterations are generally supported and will provide good connections to the wider public transport network. A condition will be required linking this application to the delivery of the tram crossing and details of the road junctions.

## **d) Site Landscaping and Open Space**

The site landscaping incorporates a number of areas of landscaping within the central area of the development and along the edges of the site. The central open space area combines three different characteristic areas. The main square will have an area of 1225 square metres, and quadrant garden of 1575 square metres and the multiple use games area of 1600 square metres. This diversity of spaces and uses within the central area of the site adds to creating a vibrant public space.

In addition to these central areas there are north- south lines of tree planting between the buildings which continues the language of the wider Edinburgh Park Estate. The Street will also incorporate boulevard tree planting as a separation between the road and pedestrian routes.

Further landscaping is incorporated within the related application 17/04391/FUL.

The proposed landscaping and open space will provide a positive contribution to the development of this area and provides an interesting variety of spaces. A condition will be required linking the delivery of the landscaping to the delivery of the buildings.

## **e) Other Material Considerations**

Advertisement consent - A separate application for advertisement consent will be required, including any high level signage annotated on the drawings. For clarification these elements are not approved.

Flooding - Flood prevention has confirmed that there are no issues.

Air quality - Environmental Protection has concerns about car parking numbers and the potential impact on air quality and recommends refusal on that ground. The applicant has/ not provided an air quality impact assessment. When the outline application was approved, air quality was not fully understood and there are no specific conditions or recommendations on air quality made within condition 5. It is therefore not possible to request any additional information on this matter.

East of Milburn - The outcome of East of Milburn Tower planning application potentially affects the design of this site. However, that does not justify failing to determine this AMC application.

Ecology - The site has the potential to support protected species. Should Committee be minded to grant the application, a Construction Environmental Management Plan (CEMP) should be put in place to ensure any potential species on site are protected during construction. This should include the ecology report's recommended measures to protect wildlife during site clearance and construction. Other mitigation, survey work and site ecology development, including that detailed in the ecology report, should fully compensate for the loss of habitat and improve biodiversity. The proposed rain gardens in the east of the site and sensitively planted green roofs may help with this.

Economic - Economic growth is a key aim of the Strategic Development Plan and the Council's economic strategy seeks sustainable growth through investment in jobs. The proposal would support employment in a highly sustainable location and on a site that has been substantially vacant for over a decade. Economic Development estimates that the development as proposed could, if fully built and occupied, could support 5,315 full time equivalent jobs.

Public art - The proposal refers to public art. This is not in the outline permission and cannot be dealt with in this application.

## **f) Sustainability**

The application includes a district energy centre and incorporation of renewable energy are very positive parts of the proposal and support LDP aims for sustainable development. The applicant proposes installing electrical vehicle charging points, which is also a positive move.

## **g) and human rights**

The proposal has been considered in terms of equalities and human rights and no adverse effects are identified. The applicant will be required to comply with the provisions of the Equality Act 2010 and building regulation standards. The site is located within an excellent location for active travel and connections into existing networks.

## **h) Representations**

### **Scheme 1**

## **Material Objections**

- Southern Phase of Edinburgh Park should take account of whole of Edinburgh Park - addressed in section 3.3.a);
- Proposed offices will not contribute to ensuring a balanced community - addressed in section 3.3.a);
- Multi-storey car parks are contrary to current policy, would substantially increase car use and lead to significant increase in traffic congestion - addressed in section 3.3.c);
- Additional cars will have adverse safety implications for cyclists and pedestrians - addressed in section 3.3.c).
- Dual carriageway in a 20mph zone - addressed in section 3.3.c,
- Public transport provisions should be promoted rather than roads and car parks - addressed in section 3.3.c);
- Proposals are contrary to current CEC policies, which aim to prioritise public transport, cycling and walking - addressed in section 3.3.c);
- Proposals do not encourage active travel. Attractive and safe walking and cycling routes through the area are needed - addressed in section 3.3.c);
- Treatment at eastern end of boulevard off-putting to cyclists - addressed in section 3.3.c);
- Western end of boulevard, underpass, will be key link. Unclear how active traveller will be able to get to and from this without multiple stage crossings of roads - addressed in section 3.3.c);
- A proper end to end journey plan is needed for people arriving, leaving and travelling through the site by bike - addressed in section 3.3.c);
- No clear access routes to ground floor and basement cycle parking - addressed in section 3.3.c); and
- Air pollution concerns - addressed in section 3.3.e).

## **Non-material comments**

- Potential loss of membership and adverse impact on local health and fitness centre - this is not a planning issue;
- Dissatisfaction expressed with the consultation process - consultation took place in line with legislative requirements; and
- Residential areas welcomed - this application does not include residential use.

## **Scheme 2 - Additional Comments**

### **Material Objections**

- •New development within the Community Links PLUS West Edinburgh
- Active Travel Network (WEATN) area, should adopt the design principles of Community Links PLUS - addressed in section 3.3.c);
- •Given excellent public transport links, car parking numbers lack ambition - addressed in section 3.3.c); and
- •Priority or at grade single stage toucan crossings should be provided at junctions. - addressed in section 3.3.c).

## Conclusion

The proposals to approve the matters specified in condition 5 are considered on balance to be acceptable. The proposed development will create a high quality development incorporating a variety of open spaces and quality public spacing. Concerns remain in relation to the operation of The Street and specifically the proposed tram crossing as considered in application 17/04391/FUL. A condition is recommended linking these applications and delivery of this route.

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

### 3.4 Conditions/reasons/informatives

#### Conditions:-

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis and reporting, publication public engagement, interpretation) in accordance with a written scheme of investigation, which has been submitted by the application and approved by the Planning Authority.

The work would 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 programmed archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

2. 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.
3. Prior to the development of the multi- storey car parks details of the proposed 122 motorcycle spaces shall be submitted to and approved by the Planning Authority and implemented prior to the occupation of the final building.
4. Prior to the commencement of development a phasing schedule for the delivery of the landscaping and open spaces shall be submitted to and agreed in writing by the Planning Authority. Thereafter the landscaping and open space shall be implemented in accordance with the approved phasing schedule.

5. Notwithstanding the approved plans, prior to the commencement of development full design details of the proposed traffic signal control junctions at the east and west limits of the cross street shall be submitted for approval by the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt the currently layout incorporating staggered pedestrian crossings is not supported. Subsequently, all works are to be carried out at no cost to the Council.
6. No development shall take place until full agreement is reached with the Edinburgh Tram Team with regards to the implementation of application 17/04391/FUL and the crossing of the tram line with the written confirmation of the Planning Authority.
7. 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.
8. Prior to the commencement of development on each building a detailed plan shall be submitted illustrating the positioning and profile of the proposed solar panels located in the roof for the written approval of the Planning Authority.

**Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to ensure that the level of off-street parking is adequate.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to safeguard the interests of road safety.
6. In order to safeguard the public transport corridor.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In the interests of sustainability.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

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.

The matters required to be addressed by TRO promotion;

- 1) contribute the sum of £2,000 to limit traffic in a westwards direction along The Street to public transport only;
  - 2) contribute the sum of £2,000 to limitat traffic along The Street from Lochside Court to the tram crossing to public transport only;
  - 3) contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
  - 4) contribute the sum £2,000 to promote a suitable order to introduce a 20mph speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council.
2. 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;
  3. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
  4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
  5. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

A legal agreement was concluded in respect of the outline application which this application partially implements. The Council has an arm's length interest in the tram operators.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

This application was advertised on 4 October 2017. The proposals that formed Scheme 1 received nine objections and one neutral comment. One representation was withdrawn prior to determination. Following re-advertisement on 25 May 2018, three representations were received for Scheme 2; two objections and one neutral comment.

A full assessment of the representations can be found in the main report in the Assessment section.

## **Background reading/external references**

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- 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**

#### Edinburgh Local Development Plan

In the LDP the application site is identified as being within Area EP1, a mixed use area, with business, residential and ancillary uses and commercial hub.

### **Date registered**

22 September 2017

### **Drawing numbers/Scheme**

1,2,4,10,31,36-38,42-47,55-57,61-65,73-75,83,110,131-133,,  
137- 140, 142, 149-151, 155-158, 167-169, 183- 189, 03a, 5a,,  
6a- 9a, 11a- 30a, 32a- 35a, 39a- 41a, 48a- 54a, 58a- 60a,,  
66a- 72a, 76a- 82a, 84a- 109a, 111a- 130a, 134a- 136a, 141a,,  
143, 144a- 148a, 152a- 154a, 159a- 166a, 170a- 182a,

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elaine Campbell, Team Manager

E-mail:elaine.campbell@edinburgh.gov.uk Tel:0131 529 3612

## **Links - Policies**

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### **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 Del 4 (Edinburgh Park/South Gyle) sets criteria for assessing developments within the boundary of Edinburgh Park/South Gyle.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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 Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 19 (The Protection of Outdoor Sports Facilities) sets criteria for assessing the loss of outdoor sports facilities.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

### **Relevant Non-Statutory Guidelines**

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

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.

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

LDP Policy RS 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

**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.

**Non-statutory guidelines** - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

# Appendix 1

## **Application for Approval of Matters Specified in Conditions 17/04341/AMC**

**At 101 Edinburgh Park, Edinburgh,  
Application for matters specified in condition 5 of planning permission 09/00430/FUL (amended).**

### **Consultations**

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#### **Transport Scotland**

*The Director does not propose to advise against the granting of permission.*

#### **Police Scotland**

*We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.*

#### **Archaeology**

*The following are the comments and recommendations concerning the above planning applications for matters specified in condition 5 of planning permission 09/00430/FUL.*

*As stated in response to the 2009 and 2017 AMC application (17/01210/AMC) for extension to time limits, the site is regarded as being of archaeological significance with the possibility of containing remains dating back to early prehistory. As such a condition (9) was attached to the 2009 planning consent requiring the undertaking of a programme of archaeological works across the site prior to development.*

*As Condition 9 has yet to be fully discharged as development over much the area has yet to be undertaken it is recommended that original condition be replaced by the following updated and current CEC condition to ensure that this programme of archaeological works is undertaken. This condition reflects more accurately the archaeological requirements for the site.*

*'No 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 would 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.*

### **Archaeology revised scheme**

*Having assessed the new revised documents, I can confirm that my earlier comments and recommendations (see memo of the 18th October 2017) in respect to the original application remain unaltered and are as follows:*

*As stated in response to the 2009 and 2017 AMC application (17/01210/AMC) for extension to time limits, the site is regarded as being of archaeological significance with the possibility of containing remains dating back to early prehistory. As such a condition (9) was attached to the 2009 planning consent requiring the undertaking of a programme of archaeological works across the site prior to development.*

*As Condition 9 has yet to be fully discharged as development over much the area has yet to be undertaken it is recommended that original condition be replaced by the following updated and current CEC condition to ensure that this programme of archaeological works is undertaken. This condition reflects more accurately the archaeological requirements for the site.*

*'No 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 would 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.*

### **Economic Development**

#### *Commentary on existing use*

*The application relates to 7.16 hectares of land between Lochside Avenue and Lochside Court. The site is bisected from north to south by the Edinburgh Tram Line. The site lies immediately south of the existing Edinburgh Park business park and has long been earmarked for an expansion thereof.*

*The land in question is currently undeveloped other than car parking to the east of the site. The land in question therefore is not currently thought to support any economic activity beyond that associated with the operation of the car park, which is assumed to be negligible.*

*There is an existing planning consent for the land in question (reference 09/00430/FUL) for the development of 198,361m<sup>2</sup> (gross) of class 4 (office) space and 14,610m<sup>2</sup> (gross) of class 7 (hotels and hostels) space, which the application in question seeks to amend. This consent has been partially implemented with the construction of a 5,283 sqm hotel in 2011 (reference 10/00113/AMC).*

*The Edinburgh Local Development Plan identifies Edinburgh Park as part of the West Edinburgh Strategic Development Area, one of four such areas that are expected to be the largest areas of development in Edinburgh over the plan period. The LDP sets a vision for the Edinburgh Park/South Gyle area of creating "a thriving business and residential community" with "a more balanced mix of uses and facilities". The application site sits within Area EP1 as identified by the LDP, which states that "proposals should incorporate a mix of business and residential uses and ancillary uses".*

#### *Commentary on proposed use/uses*

##### *Class 1 - Shops*

*The development as proposed would deliver 998m<sup>2</sup> (net) of class 1 (shops) space comprising ground-floor retail units within two of the office buildings fronting onto the civic square at the centre of the development.*

*Per the Employment Densities Guide (3rd edition), the mean employment density for shops is one full-time equivalent (FTE) employee per 17.5 sqm. This indicates that the retail units could, if fully occupied, be expected to directly support approximately 57 FTE jobs (998 ÷ 17.5). The average gross value added (GVA) per annum for the retail sector in Edinburgh was £30,116 as of 2015. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the retail units of £1.72 million per annum (2015 prices) (57 × £30,116).*

*It is noted that, while the schedule in the Design and Access Statement submitted by the application describes this space as "retail" (class 1) space, other documents refer to this space as "food and beverage" (class 3) units. The economic impact of class 3 units as opposed to class 1 units would be unlikely to be substantially different so this distinction is not regarded as significant from an economic development perspective.*

##### *Class 2 - Financial, professional and other services*

*The development as proposed would deliver 1,063m<sup>2</sup> (net) of class 2 (financial, professional and other services) space comprising a health centre within one of the office buildings.*

*Per the Employment Densities Guide (3rd edition), the mean employment density for finance and professional services units is one full-time equivalent (FTE) employee per 16 sqm. This indicates that the health centre could, if fully occupied, be expected to directly support approximately 66 FTE jobs (1,063 ÷ 16). The average gross value added (GVA) per annum for the education, human health and social work activities sector in Edinburgh was £19,326 as of 2015. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the health centre of £1.28 million per annum (2015 prices) (66 × £19,326).*

##### *Class 4 - Business*

The development as proposed would deliver 59,220m<sup>2</sup> (net) of class 4 (business) space comprising seven office buildings ranging in size from 4,421m<sup>2</sup> to 18,770m<sup>2</sup>.

Per the *Employment Densities Guide* (3rd edition) published by the Homes and Communities Agency, the mean employment density for offices occupied by professional services firms is one FTE employee per 12 sqm (net), while the mean employment density for offices occupied by technology, media, and telecom firms is one FTE employee per 11 sqm. These two sectors have in recent years accounted for the greatest quantity of office lettings in Edinburgh and so a mean density of one FTE employee per 11.5 sqm has been assumed. This indicates that the office space could, if fully occupied, be expected to directly support circa 5,150 FTE jobs (59,220 ÷ 11.5).

The average GVA per annum for the information and communication sector in Edinburgh was £95,991 as of 2015, while the average GVA per annum for the professional, scientific and technical activities sector was £74,444, giving a median GVA per annum of £85,218. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the office elements if fully occupied of £438.87 million per annum (2015 prices) (5,150 × £85,218).

As reported to the Economy Committee on 22 November 2016, there is a growing shortage of office space in Edinburgh due to a combination of strong demand, a relatively weak development pipeline, and the loss of existing office space to alternative uses. These pressures have intensified since November 2016; the available supply of office space in Edinburgh in March 2017 was 160,944m<sup>2</sup> - the lowest figure on record since 2001 (source: Ryden), while take-up in the second quarter of 2017 was over 49,700m<sup>2</sup> - the highest ever recorded quarterly figure (source: Cushman and Wakefield). The delivery of additional office space will help address this shortage.

The development as proposed represents a significant reduction in the quantum of office space on the scheme consented in 2007: from 198,361m<sup>2</sup> to 88,762m<sup>2</sup>, a reduction of 109,599m<sup>2</sup> (55%). It is noted that the application in question relates only to the northern part of the wider site covered by the 2007 consent, however the applicant's Design and Access Statement includes a masterplan indicating that no commercial space is proposed for the southern part of the wider site. The reduction in office space is unfortunate given the pressures on office space in Edinburgh but is consistent with the aspiration to deliver a more balanced mix of uses at Edinburgh Park as set out in the LDP. It is noted that the LDP supports the creation of "a commercial hub adjacent to Edinburgh Park station".

#### *Class 11 - Assembly and Leisure*

The development as proposed would deliver 1,734m<sup>2</sup> (gross) of class 11 (assembly and leisure) space comprising a "leisure hub" with facilities such as a gym, swimming pool, and sports hall, along with an adjacent multi-use sports pitch.

Per the *Employment Densities Guide* (3rd edition), the median employment density for a mid-market fitness centre is one FTE employee per 65 sqm. This indicates that the leisure hub could, if fully occupied, be expected to directly support approximately 27 FTE jobs (1,734 ÷ 65). The average GVA per annum for the arts, entertainment and recreation sector in Edinburgh was £11,607 as of 2015. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the leisure hub of £0.31 million per annum (27 × £11,607).



### *Sui generis*

*The development as proposed would deliver a 522m<sup>2</sup> energy centre. Per the Employment Densities Guide (3rd edition), the mean employment density for industrial and manufacturing units is one FTE employee per 36 sqm. This indicates that the energy centre could, if fully occupied, be expected to directly support approximately 15 FTE jobs (522 ÷ 36).*

*GVA per annum figures for the electricity, gas, steam and air conditioning supply sector in Edinburgh are unavailable, but the wider manufacturing sector had an average GVA per annum of £62,139 as of 2015. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the energy centre of £0.93 million per annum (15 × £62,139).*

### **SUMMARY RESPONSE TO CONSULTATION**

*It is estimated that the development as proposed could, if fully built and occupied, be expected to directly support approximately 5,315 full-time equivalent (FTE) jobs (57 + 66 + 5,150 + 27 + 15) and £443.11 million of gross value added per annum (2015 prices) (£1.72 million + £1.28 million + £438.87 million + £0.31 million + £0.93 million). By comparison, it is estimated that the uses currently on the site directly support a negligible level of jobs and economic output.*

### **Waste Services**

*As this is a commercial development, the Council will not be the provider of waste management services to this property. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities. Depending on the size and use of the property it may also be that they are required to segregate other streams such as fluorescent lamps, batteries and electrical equipment as well.*

*It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts.*

### **SEPA**

#### *Advice for the planning authority*

*We object to this planning application on the grounds of a lack of information relating to flood risk and surface water drainage. We will review this objection if the issues detailed in Section 1 and 2 below are adequately addressed.*

#### *1. Flood Risk*

*1.1 We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.*

*1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.*

## *Technical Report*

1.3 We previously responded to this application on the 8 of May 2017. We had no objection to the development and advised that no built development should be located over this culvert.

1.4 Review of drawing titled AMC Application Proposed Site Plan, indicates that additional culverting is proposed over the open section of the Gogar Burn, east of Lochside Avenue. It has been confirmed by the applicant that it is proposed "that a roof is placed on a short section to allow the road and junction to be constructed - the rest would be left exactly as is." As this "roof" will not impact on the capacity or conveyance of the existing culvert we accept this this approach. These works will not require authorisation from SEPA under the Controlled Activities Regulations.

1.5 We previously advised that no built development should be over the culverted Gogar Burn which flows through the site. It has been stated in the Design Statement that there will be no built development over this culvert and a corridor maintained. We would request a post development drawing with the location of the Gogar Burn culvert, as there are contradicting drawings of the location of this culvert from online searching.

1.6 Review of the Flood Risk Assessment indicates that the site is not at risk of flooding from the Gogar Burn. We accept this due to the culvert and embankment underneath the A720 restricting flood flows to the site. However it has been found that the culverted Gogar Burn underneath the proposed development is under capacity to pass the estimated 200 year flow and a small proportion of flooding is predicted upstream of the culvert inlet

1.7 Any drainage or SuDs proposed are for the council to satisfy themselves that the arrangements will be appropriate and in accordance with any internal guidance. Drainage calculations should be undertaken using the FEH13 depth duration frequency statistics.

### *Summary of Technical Points*

1.8 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- o Post development drawing including the location of the currently culverted Gogar Burn.

Our Development Management requirements for district heating are set out in the following background paper, with DM Requirements 1 and 2 being applicable here (page 24 onwards). We would be happy to discuss with you whether you consider this application to constitute a 'significant/anchor development or substantial development' (requirement 1) and whether there are existing heat networks or sources in proximity (requirement 2).

[https://www.sepa.org.uk/media/162921/lups\\_bp\\_gu2c\\_ii\\_land\\_use\\_planning\\_backgrou nd\\_paper\\_on\\_heat\\_networks\\_and\\_district\\_heating.pdf](https://www.sepa.org.uk/media/162921/lups_bp_gu2c_ii_land_use_planning_backgrou nd_paper_on_heat_networks_and_district_heating.pdf)

## **SEPA further comments**

*Our objection is now withdrawn - please see the advice below.*

## *Flood Risk*

*We are now in a position to remove our objection to the proposed development on flood risk grounds. Notwithstanding the removal of our objection, we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

*1. We previously responded to this application on the 8th of May and most recently on the 23rd of November 2017. We objected and requested further information on the location of the culverted Gogar Burn in relation to the proposed development.*

*2. Review of the existing and proposed site sections, as well as the existing culvert survey, shows the location of the culverted Gogar Burn in relation to the proposed development. It has been confirmed by the drawing proposed site sections that no built development will be over the existing culverted Gogar Burn. We are therefore in a position to remove our objection.*

*The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>*

*Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

*The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>*

### *Surface Water Drainage*

*We are satisfied with the additional information in respect of surface water drainage.*

### **SEPA comment addendum**

*Thank you (the agent) for sending through your additional comments - we note that you have used the FEH13 DDF data and as long as excess water is contained on site and will not increase flood risk elsewhere our position remains that we have no objection to proposal.*

## **ScotWays**

*The National Catalogue of Rights of Way shows that vindicated right of way LC163 is affected by the area outlined in red on the AMC Application Location Plan. Our records indicate that this sign-posted right of way, which runs beside the Gogar Burn under the City bypass, terminates within the AMC application boundary shown on that location plan.*

*A map is enclosed showing the line of right of way LC163 highlighted in orange. As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria to be rights of way but have not been recorded as they have not yet come to our notice.*

*You will no doubt be aware there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003. We would strongly recommend that the applicant consult the Core Paths Plan, prepared by the Council's own access team as part of their duties under this Act. If the applicant requires more information with regard to public access in this area we strongly recommend that they consult the Council's access team.*

## **Edinburgh Airport**

*The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below.*

### *Submission of a Bird Hazard Management Plan*

*Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:*

- o monitoring of any standing water within the site temporary or permanent*
- o sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).*
- o management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'*
- o reinstatement of grass areas*
- o maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- o which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- o monitoring of waste imports (although this may be covered by the site licence)*
- o physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*
- o signs deterring people from feeding the birds.*

*The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.*

*Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.*

*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.*

*The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.*

#### *Submission of SUDS Details*

*Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:*

- o Attenuation times*
- o Profiles & dimensions of water bodies*
- o Details of marginal planting*

*No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.*

*Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)*

*We would also make the following observations.*

#### *Cranes*

*Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)*

### *Lighting*

*The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting' (available at (<http://www.aoa.org.uk/policy-campaigns/operations-safety/>) Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.*

*We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.*

### **Edinburgh Airport comment**

*We have reviewed the SUD and Landscape proposals for application 17/04341/AMC and can confirm that it meets all of our safeguarding requirements.*

### **Children + Families**

*Planning has advised that the application does not seek permission for any residential uses. The proposal will therefore not have an impact on education infrastructure.*

### **Environmental Assessment**

*The applicant proposes discharging the matters in condition 5 of the following application;*

*Application under section 42 of the town and country planning (Scotland) Act 1997 - To vary the terms of condition 1 of planning permission 99/02295/OUT by extending the time period by 10 years (09/00430/FUL). The specific condition states the following;*

*5. before any work on the site is commenced, details of the undernoted reserved matters shall be submitted to and approved in writing by the planning authority; the submission shall be in the form of a detailed layout of the site (including landscaping and car parking), and detailed plans, sections and elevations of the building/s.*

*Reserved matters:*

- o Siting, height, floorspace, levels, external appearance, materials;*
- o Sustainability of each individual development plot;*
- o Parking, access, road layout, servicing areas, layout of proposed highway works and crossing facilities for cyclist and pedestrians;*
- o Details of facilities for buses, taxis, provision of footpaths, cycle routes, cycle storage facilities;*

- o *Hard and soft landscaping;*
- o *Boundary treatment;*
- o *Open space provision;*
- o *Drainage.*

*There are a number of applications coming forward regarding this area and Environmental Protection will be commenting on them separately. This consultation is specific to the above condition 5 relating to application 09/00430/FUL. The 09/00430/FUL application was for an extension of time to outline planning application 99/02295/OUT, 'Erect offices and other business use, hotel and supporting facilities with associated road works and car parking', which was approved by Scottish Ministers on 11 April 2003.*

*The application 09/00430/FUL was submitted under section 42 of the Town and Country Planning (Scotland) Act 1997. The outline application was accompanied with an indicative master plan with a vision for a business park environment and an allocation of 201,000 square metres of office space, 14,610 square metres of hotel space, and 4,000 square metres of ancillary space (use classes 1 - retail, 2 - professional, 3 - food and drink).*

*A variation to the planning consent in 2007 (07/04232/FUL) reduced the amount of office space to 198,361 square metres.*

*The planning consent issued by the Scottish Ministers in April 2003 restricts the number of car parking spaces associated with office development to 4,012. The site was allocated for business use in the Development Plan at that time and the tram infrastructure has now been installed as well as a heavy rail hub at Gogar.*

*The site comprises approximately 18.45 hectares of vacant land between the existing Edinburgh Park northern phase one and the Edinburgh Park Rail Station in the south. The City Bypass lies directly to the east, and the South Gyle Business Park to the west.*

*Edinburgh Park is located in West Edinburgh, approximately four miles from the City Centre and two miles from Edinburgh Airport.*

*Residential use in this area will be in general problematic due to odours, local air quality concerns, and noise. It should be noted Environmental Protection welcome the fact this application does not include residential use. However, Environmental Protection do have issue with the proposed number of car parking spaces more than 1500 which seems to contradict the applicants sustainable transport vision.*

*Reducing the need to travel and promoting use of sustainable modes of transport are key principles underpinning the current Local Development Plan (LDP) Strategy. Future growth of the city based on excessive car use and dependency would have serious consequences in terms of congestion and deteriorating air quality. An improved transport system based on sustainable alternatives to the car is therefore a high priority for Edinburgh. This is the central objective of the Council's Local Transport Strategy, which proposes continued investment in public transport walking and cycling. (2nd LDP).*

## Odours

*A Poultry Farm located approximately 250m from the development site. The following information is from the City of Edinburgh Council's, Air Quality Updating and Screening Assessment Report 2009. The Gogar poultry farm on the outskirts of Edinburgh has been identified by Scottish Environment Protection Agency (SEPA) as meeting the criteria to progress to a Detailed Assessment. The poultry farm has a SEPA permitted limit on the maximum number of birds in this facility (451,900). There is one existing residential property located within 24m of the poultry sheds. The poultry sheds are mechanically ventilated and as of 2009 house 81,530 birds in 4 units and 175,950 in 9 units. In 2009 it was determined that there was a need to reconsider this poultry farm when undertaking the citywide Detailed Assessment for PM10. It should also be noted that complaints from odours emanating from the poultry houses have been investigated.*

*Environmental Protection recommend that the applicant takes this site into consideration when designing any units that may be exposed to odours emanating from the poultry farm*

*The applicant should also provide details of flues and where any commercial kitchens serving hotels and restaurants will be located.*

## Noise

*As this proposal does not include the introduction of residential properties the issues regarding noise are not problematic.*

## Local Air Quality

*The existing buildings at Edinburgh Park are aligned along the Lochan park with extensive areas of surface car parking behind. The new development seeks to reduce the amount of surface parking in order to minimise the impact of car parking on the site and create a more pedestrian oriented and active urban space with high quality urban realm. Emphasis should be put on sustainable transport, not introducing over 1500 parking spaces.*

*In order for Environmental Protection to provide accurate recommendations the applicant should submitted a supporting air quality impact assessment. It would be advised that using an air dispersion model ADMS-Roads for assessment purposes, it should be noted that we do not accept DMRB models. The model should consider current year and the year of opening both with and without development to ensure for all scenarios that the National Air Quality Objectives are met. The applicant would need to do some onsite air quality monitoring, it should be noted that this would need to be carried out over a significant period.*

*The applicant should make use existing diffusion tube data to verify the model (we can provide this data if required). On request we may also be able to provide them the applicant with the most up-to-date annual average NO2 concentration for this location for validation purposes.*



*Several Road links would need to be considered in any air quality assessment including some within existing air quality management areas.*

*The following parameters should be input into the ADMS - Roads model interface:-*

- o Background NO<sub>2</sub>, PM<sub>10</sub> and NO<sub>x</sub> concentrations can be obtained from the Scottish Air Quality website for the relevant modelled years;*
  - o Meteorological Data from the Edinburgh Gogarbank monitoring station is appropriate; and*
  - o Annual Average Daily Traffic data calculated to the form 'vehicles per hour'. Diurnal traffic flows can be based on road traffic statistics from the DfT website.*
  - o The canyon effect must be assessed too.*
  - o Committed developments as agreed by Environmental Protection*
- Ozone concentrations, surface roughness and Monin Obukhov length can be determined through the verification process.*

*To assess the potential for impacts on local air quality from traffic emissions and construction phase impacts we advise that applicant uses the criteria defined in Air Quality & Planning Guidance January 2017.*

*Environmental Protection appreciate that this is not something we can enforce based on this application. Local Air Quality Management was not fully understood when the original outline application was submitted therefore no specific conditions or recommendations were made. The applicant will be aware that air quality is now a key consideration therefore it is recommended that further assessment and considerations towards air quality impacts are given.*

*Based on the information currently available, the site is highly accessible by all modes of public transport given the wide choice of transport links that it has to offer and these have been considered carefully from the outset with major public transport infrastructure such as the Tram and heavy rail station already being delivered. The proposed access strategy looks to connect to the existing links, use existing infrastructure and proposes new works to ensure the site is fully accessible to all users.*

*This AMC will only compound the traffic problems already experienced in the area during peak hours. Public transport extremely well serves the site. Movement around the development site should be considered further bike clubs, electric bikes, electric (possibly driverless) vehicles serving the site.*

*The applicant should commit to installing electric vehicle charging points. The applicant should provide detailed plans showing where the chargers will be located. Environmental Protection would be requiring electric vehicle charging points of various outputs to be provided throughout the proposed car. The installation of chargers in a multi storey car park is straightforward. Slower chargers for long stay purposes should be served with 7Kw chargers with 70 or 50kW (125 Amp) DC with 43kW (63 Amp) AC unit made available for at least 10% of your total proposed spaces. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously. It should also be noted that the taxi industry is moving towards plug-in taxis. The latest model of the London taxi is a plug-in electric taxi and with Edinburgh being the second biggest market for London taxis there will many of them on the roads in Edinburgh therefore locating chargers for taxis should be considered.*

*The provision of over 1500 car parking spaces contradicts the applicants vision including - Exceptional transport and connectivity, strategies to encourage pedestrians and cyclists and Sustainability and culture at the heart of the design.*

*The scale of this proposed developments parking numbers is problematic. The potential impacts traffic generated by the site will have on the nearby AQMA. The main source of this pollution is traffic generated and this site will introduce an increased number of vehicles onto the network. The proposed numbers of parking spaces are excessive for a site that is well served by public transport. The applicant has not fully considered the full range of mitigation measures open to them. We would normally encourage developers to work with Environmental Protection to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;*

- 1. Keep Car Parking levels to minimum.*
- 2. Car Club facilities (electric and/or low emission vehicles).*
- 3. Provision of electric vehicle charging facilities.*
- 4. Public transport incentives for residents.*
- 5. Improved cycle/pedestrian facilities and links.*
- 6. Taxi specific rapid electric vehicle charging points*

*Environmental Protection would support any recommendations by Transport Planning Officers so as this proposed development funding aspects of the transport related mitigation measures identified in the updated WETA and trams contributions.*

*Chimney Height Calculation must be submitted in regard to the Clean Air Act. We will need details on the proposed centralised energy centre, for example the proposed fuel and size (energy in/output), Environmental Protection will not support biomass and if it's a large gas-powered energy centre we may require secondary abatement technology to be incorporated to ensure NOx emissions are minimised. It is recommended that the applicant submits a chimney height calculation at the earliest possible stage to ensure planning are satisfied with any proposed chimney which may need to be sizable.*

### *Contaminated Land*

*The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.*

*Therefore, Environmental Protection have concerns with the proposed level of car parking and the potential impacts it may have on local air quality therefore would recommend refusal on this issue alone.*

## **Public + Accessible Transport**

*Our comments are listed below.*

*o Although reduced in size, the boulevard will still require the closure of the tram until the new road can be built. This will require agreement with Edinburgh Trams on how a temporary arrangement can be set up which still allows a full route service to be provided until construction is complete. Any loss of revenue by Edinburgh Trams would be funded by CEC so an agreement will be required so this can be recovered from the developer.*

*o If the crossing of the tramway was restricted to pedestrian/cycle and occasional emergency vehicles then a proprietary product such as Strail could form the crossing and this could be done overnight when services are not running with very little disruption to trams.*

*o Trams operate via line of sight and enclosing them in a corridor bounded by hedging could affect visibility. The rest of the landscaping through this business park is very open and visibility is also very good. During Autumn there are issues with traction elsewhere when leaves land on the tracks so planting a line of trees adjacent to the rail could create ongoing maintenance issues.*

*o The landscape maintenance responsibilities elsewhere in this park are fairly complicated. Edinburgh Park Management look after common ground, the building owner looks after the frontage and CEC looks after the tram corridor. It would be much more straightforward if a condition was put on this application that one maintainer looks after the corridor.*

## **Flood Prevention**

*The only outstanding information on this application was the provision of information about standoff distances from the culvert to the buildings. Upon review of drawing P13-018-01-PA-150 Rev B I can see that the culvert is passing along a route between buildings. For the looks of this it appears as if sufficient stand-off distance has been provided from the buildings to the culvert.*

*It should be reconfirmed through the developer through detailed design that the building foundations position and loading should not have a prejudicial impact upon the culvert that would impair future maintenance or replacement activities.*

*Based upon all the above Flood Prevention are happy for this application to proceed to determination with no further comment from our department.*

## **Architecture+Design Scotland comment**

*Architecture & Design Scotland were requested to provide support to the Edinburgh Park project following discussions with City Of Edinburgh Council and Parabola in October and November 2017. Support was provided in the form of two workshops which provided a locus for dialogue and review of the wider masterplanning for the extension of Edinburgh Park.*

*We were encouraged by the way the design team responded to comments raised at both workshops and acknowledge that a lot of significant work and improvements have been made to the planning application(s) following our discussions.*

*In particular, we welcome the changes made to the Boulevard and the refinement of this to a smaller 'Cross Street'. The reduction in vehicle lanes, introduction of shared space design and general changes to the character of this has positively extended the pedestrian priority which was a key discussion in the workshops. We are also pleased to see the introduction of rain gardens to act as SUD's features and an extension of the culvert; another item which had been discussed in detail at the workshops.*

*We welcome Parabola's intent and vision to transform a business park into a mixed-use area and part of the city of Edinburgh. The presentations and clarity of the drawings brought to both workshops allowed for substantive and meaningful discussions. We feel it would have been useful for this application to include information regarding further phases of the wider masterplan proposals for the site, as we know considerable work and thought have gone into this and that these will be integral to the success of the scheme submitted.*

*We welcome the proposals as a potential model for peripheral sites in Edinburgh in terms of density and urban form. We commend the Client's aspirations and vision for the site and think there is great potential in the approach which has been taken. We also welcome delivery models that demonstrate urban qualities of density, creating vitality and a mix of uses.*

*We would note that the majority of our advice in connection with the project relates to the masterplanning of the wider mixed-use development area proposed and in particular the housing component. However, we consider the current proposals now demonstrate an effective and convincing first step towards realising the wider mixed-use development envisaged.*

## **Transport Authority**

*The application should be refused.*

*Reason(s):*

- 1. The scale of road infrastructure proposed has not been adequately justified; and*
- 2. Insufficient detail has been provided in respect of the proposed crossing of the Edinburgh Tram line within Edinburgh Park.*

*Consideration:*

*This consultation response is a follow up to Transport's initial response of 22 June 2018 and constitutes the conclusion of written discussion with the applicant and their Transport Consultant, WYG, in respect of this application and related 17/04391/FUL for the associated infrastructure works. A meeting was held on 13 August 2018 subsequent to this submission. Some common ground was agreed between the applicant and Transport at this meeting, viz:*

- o Lengthening of the approach gradients to the proposed speed/table crossing of the cross street in order to make them more suitable for use by buses;*
- o All signal controlled toucan/pedestrian crossing to be single staged i.e. performed in one crossing movement, in accordance with the Edinburgh Street Design Guidance.*

*However,*

*The proposals in terms of transport infrastructure are considered contrary to:*

- o The key Development Principles "Vision" for Edinburgh Park, "to create a thriving business and residential community, well integrated with the rest of the city through good public transport, pedestrian and cycle connections....." (Edinburgh Local Development Plan - November 2016, Part 1, Section 5, "A Plan for All Parts of The City," Page 61)*
- o LDP Policy Tra 1, "Location of Major Travel Generating Development," of the LDP states that:*

*"Planning permission for major development which would generate significant travel demand will be permitted on suitable sites in the City Centre. Where a non City Centre site is proposed, the suitability of a proposal will be assessed having regard to:*

- a) the accessibility of the site by modes other than the car*
- b) the contribution the proposal makes to Local Transport Strategy objectives and the effect on targets in respect of overall travel patterns and car use*
- c) impact of any travel demand generated by the new development on the existing road and public transport networks.*

*In general, applicants should demonstrate that the location proposed is suitable with regard to access by walking, cycling and public transport and that measures will be taken to mitigate any adverse effects on networks and bring accessibility by and use of non-car modes up to acceptable levels if necessary,"*

*Both the Edinburgh Park Development Principles and Policy Tra 1 are clearly focussed on seeking the enhancement of both pedestrian and cycle links.*

*The applicant proposes an east - west road link, "The Street," which is a scaled down version of their "Boulevard" proposal and has evolved in the course of the design consultation process for the wider masterplan of the southern phase and herein thereafter referred to as the "cross-street." It incorporates a controlled vehicular crossing of the Edinburgh Tram line. Despite the scaling down of the proposal the fact it is to provide all vehicle access is not conducive to encouraging sustainable alternative modes of travel to the private car.*

*The development proposals include two multi-storey car parks one located at either end of the cross-street. There are three existing points of access into Edinburgh Park providing two possible routes to/from each of these car parks without the proposed all vehicle crossing. It is therefore unclear why it is necessary to provide for all vehicle movements along the full length of the cross-street rather than restricting crossing of the tram line to pedestrians, cyclists and buses. As the proposals sever Station Park Road currently used by regular Lothian Bus services 2, 36, 20 and 63 (which currently serve Edinburgh Park Station, Edinburgh Park and The Gyle), the use of the cross-street by bus services is imperative in order to enable the continuation of these services and avoid unnecessary rerouting.*

*Access to the cross street is provided by two large traffic signal controlled junctions, one to either end of the link road. All approaches are widened to two lanes creating a significant footprint, to the benefit of the motor vehicles that may use them but to the detriment of other road users. For example, in regard to the latter, the proposals will result in pedestrians crossing Lochside Avenue and Lochside Court doing so in two stages. This is not acceptable (Ref: Edinburgh Street Design Guidance: Part C - Detailed Design Manual, Factsheet G4, "Crossings" and G5, "Signalled Crossings at or Near Junctions.")*

*As an employment destination the vehicular traffic flows will be predominantly tidal - morning "in", evening "out." Importantly, it is argued by the applicant's agent that site is located in a highly accessible location and therefore it has to be questioned whether the proposed junction footprints are necessary.*

*No satisfactory justification has been provided in respect to the size of the junctions proposed.*

*The applicant's agent, in the supporting Transport Statement Report, by way of justification of the cross-street and crossing of the tram line simply states that its purpose is, "to reduce the impact of the tram on traffic flows and to also future proof the street for additional future development." It is clear from this statement that it is for the benefit for users of motor vehicles.*

*Transport's initial response (requesting a continuation of the application consultation period) was prepared and provided to the applicant's agents which stated the Council's position in terms of the infrastructure proposals. The opportunity was therefore provided to the applicant and agents to provide further reasoned and quantitative justification of the transport infrastructure and/or to amend their proposals, resulting in the following response:*

*"The Cross Road will be retained for use by all vehicular traffic, including cars and taxis. As well as providing a significant benefit to existing bus operations, it will provide a key link within the park. It will reduce the unnecessary vehicle mileage that is currently required from the various circuitous routes through the Park to / from the barriers, and help to spread traffic flows within Edinburgh Park itself to the wider benefit of all users of the Park;" and*

*"The applicant has considered the Transport consultation response and is comfortable that the proposed design successfully serves the needs of pedestrians, cyclists, buses and private cars. The design is not vehicle dominated and caters for all users via the provision of wide footways, segregated cycleways and buses stopping on the carriageway, rather than the use of laybys."*

*A further "transport summary" was provided in early August 2018 a relevant extract of which is as follows:*

#### *"Cross Street*

*The cross street is a key element of the development proposals, enhancing permeability, sustainability and connectivity.....*

*The cross street allows pedestrians and cyclists to cross the site in a safe and efficient manner, providing access to both the AMC development and the existing business park. It has a number of further advantages:*

- o The provision of a key link for cyclists from the western edge of the site, connecting to the Core Path network and to the wider paths and cycle routes into the city centre and beyond the A720. This significantly enhances cycle access to the area.*
- o The ability of buses to service the heart of Edinburgh Park and achieve closer proximity to the existing and new development has been specifically welcomed by Lothian Buses. This will encourage bus patronage and facilitate the development of new services in future, which accords with both national and local good practice and policy.*
- o The provision of vehicular access reduces unnecessary travel around the perimeter of the park and allows a more efficient travel pattern to be developed.*
- o The creation of a new permeable street environment will allow activity along the length of the street in line with good design practice, reducing cul-de-sac conditions and maximising the opportunities for natural surveillance. If the street is not provided, this would result in the office elements being accessed from segregated loops, which is not supported by the Scottish Government's "Designing Streets" guidance. The same guidance also indicates that straight streets are acceptable in terms of design and that streets should be provided for all users.*

*The cross street was refined and reduced in scale following consultation with Architecture & Design Scotland and we note that they have welcomed these changes, commenting that "the reduction in vehicle lanes, introduction of shared space design and general changes to the character of this has positively extended the pedestrian priority".*

*The junctions for the cross street have been optimised in their design to provide access for all users. The provision of two lanes at either end of the street ensures that queues are minimised, reducing the potential for buses to be delayed on their routes to and from Edinburgh Park rail station.*

*Swept path assessments of the junctions have been carried out to establish that the sizes are appropriate to enable buses to operate safely, whilst also providing for appropriate cyclist and pedestrian infrastructure.*

### *Tram Crossing*

*Parabola have been actively engaged with Edinburgh Trams since August 2017 and we are comfortable that the proposed tram crossing can be achieved. Parabola are aware of the design and maintenance requirements, timescales for implementation, and the need to cover all costs associated with the crossing.*

*Edinburgh Park Central tram stop is currently isolated from other forms of transport and the improved connectivity created by the cross street will provide an opportunity for modal interchange between active and sustainable travel modes and the existing tram halt, and potentially encourage greater use of the tram network.*

### *Third Party/Wider Development Issues*

*It should be noted that the AMC application and associated transport proposals have been lodged in satisfaction of conditions attached to an existing planning consent and should be assessed in that context."*

*Whilst counter comments could be provided for some of the points made by the applicant's agent, the key statement in their summary is the last paragraph. If we are being reminded to consider the application in the context of the extant planning consent then we, as Roads Authority, have to question the scale of infrastructure proposed and an all-vehicle crossing of the Edinburgh Tram, for a development which is circa 50% of that consented.*

*A number of points were raised by the Edinburgh Trams Team in regard to the proposed tram line crossing:*

- o Although reduced in size, the Street will still require the closure of the tram until the new road can be built. This will require agreement with Edinburgh Trams on how a temporary arrangement can be set up which still allows a full route service to be provided until construction is complete. Termination of tram services at the existing switchbacks (Gogar Tram Depot and Edinburgh Park Station) will not be acceptable. The applicant would be required to build a suitable bypass route until this crossing is completed so that tram services are not disrupted. This would be at significant cost to the applicant. Any loss of revenue by Edinburgh Trams would be a cost initially borne by CEC so an agreement will be required so this can be recovered from the developer.*
- o The need for an additional road crossing of the tramway is unclear from the application documents. If the crossing of the tramway was restricted to pedestrian/cycle and occasional emergency vehicles, and possibly extending to buses, then a proprietary product such as Strail could form the crossing, subject to detailed design verification of its suitability by the applicant's engineers and backed up by a suitable maintenance agreement.*
- o Trams operate via line of sight and enclosing them in a corridor bounded by hedging could affect visibility. The rest of the landscaping through this business park is very open and visibility is also very good. During the autumn months there are issues with wheel slippage elsewhere when leaves land on the tracks, so planting a line of trees adjacent to the rail could create ongoing maintenance issues.*
- o The landscape maintenance responsibilities elsewhere in this park are fairly complicated. Edinburgh Park Management Limited look after common ground, the building owners look after the frontage and CEC looks after the tram corridor. It would be much more straightforward if a condition was put on this application that one maintenance partner looks after the whole corridor.*



*Whilst the proposals for the development incorporate new pedestrian and cycle links taking cognisance of the existing Core Path network and West Edinburgh Active Travel Network plans which can be secured/and or improved by suitable planning condition(s), it is the scale of road infrastructure proposed, specifically the proposed traffic signal junctions at the east and west ends of the cross street, and level crossing of the Edinburgh Tram line open to use by all vehicles using Edinburgh Park which is not supported by Transport.*

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

- 1. The applicant will be required to:
  - o Contribute the sum of £Nil to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report (see Note 1). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
  - o Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
  - o Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;**
- 2. Before the commencement of development, full details of the crossing of the Edinburgh Tram line must be submitted for approval including (but not limited to):
  - o A full construction method statement which maintains full operation of the Edinburgh Tram network with no severance throughout the period of the works;*
  - o Details of the Engineering Consultancy(ies) appointed to carry out the design of the works;*
  - o An outline stakeholder consultation/engagement framework and programme;*
  - o Design of the proposed crossing;*
  - o An outline construction programme;*
  - o Outline cost of the works to form the crossing; and*
  - o Construction cannot proceed without an Approval to Work, where full construction programme and methodology will need to be approved by Edinburgh Trams Limited before works can commence. The applicant should be made aware that separate RCC approval will be required.**
- 3. Before commencement of the development full design details of the proposed traffic signal junctions at the east and west limits of the cross street must be submitted for approval. Subsequently, all works to be carried out at no cost to the Council;*
- 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;*
- 5. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*

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. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*
8. *Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*
9. *Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;*
10. *The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*
11. *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;*
12. *The developer must submit a maintenance schedule for all SUDS infrastructure for the approval of the Planning Authority;*
13. *The minimum number of cycle parking spaces is to be set at 930 spaces (see Note 2);*
14. *The minimum number of motorcycle parking spaces is to be set at 122 spaces (see Note 3);*
15. *The maximum number of parking spaces for the new development is to be set at 1,566 inclusive of spaces suitable for disabled use and dedicated spaces provided with electric vehicle charging points (see Note 4);*

*A number of the conditions relating to the original planning consent for 101 Edinburgh Park (09/00430/FUL) remain applicable to this current application and are reproduced (amended where necessary) below:*

16. *Within one year of signalling the Gyle Roundabout, the traffic signals at the first junction in Edinburgh Park are to be linked to the traffic signal sequence of the Gyle Roundabout. This work is to be carried out to the satisfaction of and at no cost to the Council;*

17. Bus access shall be available to the main internal loop road of the site and to the links to South Gyle Crescent, South Gyle Broadway, Edinburgh Park Rail Station, and to the M8 extension;

18. Prior to the development commencing, details of a strategic cycle network, including a provision that cyclist access shall be available to the whole road and path network of the development, shall be submitted to and approved in writing by the Chief Planning Officer;

19. Other than as provided by Condition 19, there shall be no barriers or obstructions of any kind to control access to the road, footpath, or cycle network, except with the written agreement of the Council;

20. Free and unhindered pedestrian access shall be granted throughout Edinburgh Park;

21. (Formerly Condition 15) The southern access road, connecting with the roundabout to the north of Hermiston Gait, shall be controlled by means of a suitable barrier system, with a maximum throughput of 1,800 vehicles per hour in each direction. The details of the control mechanism shall be submitted to and approved by the Chief Planning Officer in consultation with the Scottish Government. The barrier control shall be operational from the opening of this access road to traffic;

22. (Formerly Condition 16) The average weekday traffic flow (excluding public transport and service vehicles) on the access and egress routes (Redheughs Avenue, the entrance from South Gyle Broadway and the Southern Access) shall not exceed 20,000 vehicles ("the maximum one-way traffic flow") at any time during the lifetime of the permission hereby granted. The actual traffic flow shall be ascertained using data from the automatic traffic monitoring equipment indicated in (a) and (b) below. In respect of the management and enforcement of this condition the following will apply:

a) automatic continuous traffic monitoring shall be installed on the three access/egress routes identified above and the information, in terms of annual average weekday flows, will be analysed and reported upon at six monthly intervals to both the Chief Planning Officer and the Scottish Government. The average daily flow will also be provided to the Chief Planning Officer and the Scottish Government every three months.

b) remote traffic dial-up equipment shall be installed to allow the traffic data to be collected remotely by the Scottish Government for storage and analysis on the Scottish Trunk Road Database System.

c) in the event that either monitoring system described in (a) and (b) above indicates that the traffic flow exceeds that stipulated, the Chief Planning Officer may serve notice of that position on the Edinburgh Park Management Limited.

d) if the traffic levels have not been reduced below the specified maximum figures within 28 days from any such notice served in terms of sub-paragraph (c) the Southern Access shall be closed immediately.

e) in the event of closure of the Southern Access in terms of Clause (d) remedial measures may be presented to the Chief Planning Officer to reduce traffic flows to below maximum specified figures and if these measures are to the satisfaction of the Chief Planning Officer, in consultation with the Scottish Government, they will be implemented and the Southern Access reopened and the effect monitored.

#### Notes:

1. Tram contribution based on the following information supplied by the applicant for the proposed land uses located in Contribution Zone 1:

o Class 1 Retail (1,530m<sup>2</sup>)\* = £140,760

o Class 2 Professional Services (1,630m<sup>2</sup>)\* = £250,066.67

- o Class 4 Office (88,762m<sup>2</sup>) = £6,142,330.40
  - o Class 11 Assembly & Leisure (1,695m<sup>2</sup>) = £51,980
- Total = £6,585,137.07

*\*Estimated from Nett Internal Area provided by the applicant's agent and may be in excess of actual.*

*It is understood that a contribution has historically been provided in respect of the extant PPP consent by way of the land upon which the Edinburgh Tram line/stop and Edinburgh Park Station have been built. Therefore, no tram contribution is applicable in respect of the current application.*

2. *The applicant proposes 930 cycle parking spaces. These are to be distributed as follows:*

- o 698 spaces located within buildings
- o 212 spaces provided using Sheffield style stands located in the communal areas
- o 8 spaces provided using Sheffield style stands for the Leisure Centre
- o 8 spaces provided using Sheffield style stands for the Health Centre, and
- o 4 spaces provided using Sheffield style stands for the Retail Unit.

*This is in excess of the minimum requirements of the current parking standards, which has been assessed to be 871 spaces.*

3. *The applicant proposes 88 motorcycle parking spaces. These are to be distributed as follows:*

- o 70 spaces located in covered areas for employee use, and
- o 18 spaces provided on-street for visitor use.

*This is below the minimum requirements of the current parking standards, which has been assessed to be 122 spaces. Accordingly motorcycle parking provision should be increased to meet this minimum requirement.*

4. *The application has been assessed under the 2017 parking standards for Zone 2. These permit the following maximum car parking spaces for the proposed development:*

- o Class 1 Retail (1,530m<sup>2</sup>)\* = 51 spaces, including 4 suitable for disabled use
- o Class 2 Professional Services (1,630m<sup>2</sup>)\* = 33 spaces, including 3 suitable for disabled use
- o Class 4 Office (88,762m<sup>2</sup>) = 1,409 spaces, including 45 suitable for disabled use
- o Class 11 Assembly & Leisure (1,695m<sup>2</sup>) = 68 spaces, including 6 suitable for disabled use

*Total = 1,659 spaces (inclusive of 98 spaces suitable for disabled use)*

*\*Estimated from Nett Internal Area provided by the applicant's agent and may be in excess of actual.*

*The extant consent for the Edinburgh Park Development (198,361 sqm GFA Office, 4,000 sqm GFA Ancillary Uses and 14,610 sqm GFA Hotel) allows for 4,012 car parking spaces for the office uses. The ancillary and hotel uses were permitted additional parking space that would be assessed on merit at the appropriate time. A pro-rata calculation of the permitted car parking based on the revised proposals for the commercial office uses (88,762m<sup>2</sup>) would equate to 1,795 parking spaces (maximum), 386 spaces more than the current Council Standards permitted maximum. Factoring in the proposed ancillary uses the permitted maximum is still less than what the applicant could implement on the basis of the extant consent. The proposed parking provision is 1,566 spaces inclusive of disabled user spaces and spaces provided with EV charging points. Justification has been provided by the applicant for the quantity of car parking proposed. Giving consideration to all of the above facts and that the site is well served by alternative modes of transport to the private car, this proposed provision is considered acceptable.*

3. A question of competency of the AMC application was raised earlier in the planning process on a number of issues, partly in regard to Transport conditions but all relating to the extant PPP consent:

Condition 22 above (Formerly Condition 16 of 09/00430/FUL): the applicant has failed to provide sufficient evidence to demonstrate that their obligations under this condition have been complied with. This remains unresolved.

Condition 17 of 09/00430/FUL: "No reserved matters application can be made in respect of any release of floorspace hereby approved in excess of 85,000 square metres unless the maximum one-way traffic flow specified in Condition 15 has not been exceeded in the three months prior to such an application." In regard to this specific condition, Transport are not aware of the applicant having provided all the necessary information as required by the condition or whether it has been satisfactorily resolved with the Planning Team.

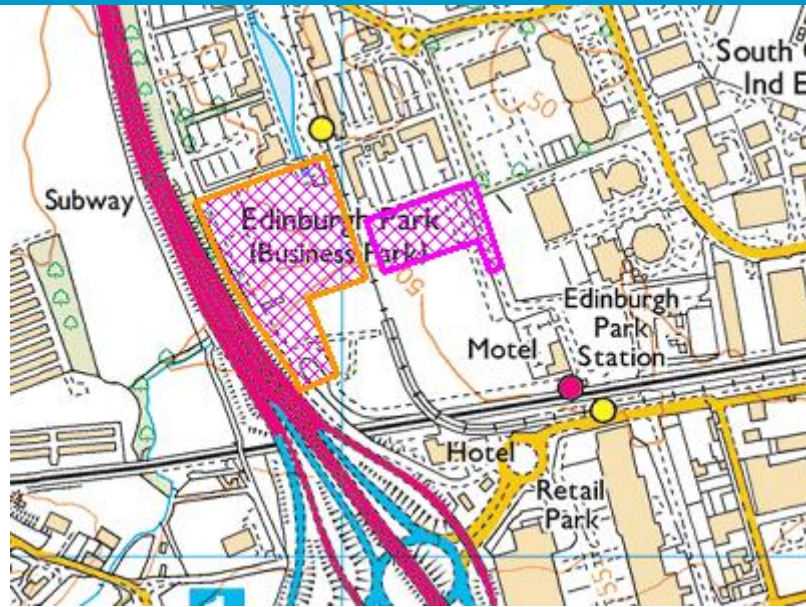
*TRAMS - Important Note:*

The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;
- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>

## Location Plan

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**END**

# Development Management Sub Committee

Wednesday 26 September 2018

**Application for Planning Permission 17/04391/FUL  
At Land Adjacent to Lochside Way, Edinburgh.  
Application for full planning permission for new and  
upgraded road and infrastructure works with associated  
landscaping (amended).**

<b>Item number</b>	7.3
<b>Report number</b>	
<b>Wards</b>	B03 - Drum Brae/Gyle

## Summary

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The proposed tram crossing is acceptable in principle. However it is proposed to be limited to public transport, cycles and pedestrian access. Further details are required to ensure that there is no operational disturbance to the tram. The landscaping will provide a strong edge along the tram line. A number of conditions will be required to ensure appropriate delivery.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDEL01, LDEL04, LDES01, LDES02, LDES03, LDES07, LDES08, LDES09, LDES10, LEN09, LEN12, LEN16, LEN18, LEN19, LEN20, LEN21, LEN22, LEMP01, LTRA01, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, LTRA10, NSG, NSGD02, NSGSTR,
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# Report

## **Application for Planning Permission 17/04391/FUL At Land Adjacent to, Lochside Way, Edinburgh. Application for full planning permission for new and upgraded road and infrastructure works with associated landscaping (amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site, extending to approximately 1.65 hectares in area is in Edinburgh Park South. It is irregular in shape and includes part of the Edinburgh tram line and Edinburgh Park tram stop, vacant ground, landscaping, the southmost part of a lochan and sections of existing road. It lies broadly on the north of undeveloped ground at Edinburgh Park. Its westmost point is Lochside Avenue and its eastmost part is Lochside Court. To the north is Edinburgh Park North, which has been developed.

Edinburgh Park is located in West Edinburgh, approximately four miles from the City Centre and two miles from Edinburgh Airport.

The partly culverted Gogar Burn runs through the site.

#### **2.2 Site History**

11 April 2003 - planning permission granted by Scottish Ministers for the Southern Phase of Edinburgh Park to develop offices and other business use, hotel and supporting facilities with associated road works and car parking (application number: 99/02295/OUT).

12 October 2009 - application granted under section 42 of the Town and Country Planning (Scotland) Act 1997 to vary the terms of condition 1 of planning permission 99/02295/OUT by extending the time period by 10 years (application number: 09/00430/FUL).

#### AMC site

22 September 2017 - application submitted for matters specified in condition 5 of planning permission 09/00430/FUL (application number 17/04341/AMC). This application is being considered by the Planning Authority.



## Main report

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### 3.1 Description Of The Proposal

This application seeks approval for new and upgraded road and infrastructure works with associated landscaping (amended). It aims to support application number 17/04341/AMC which is being considered at the same time.

#### Scheme 2

This is an amended scheme for:

- a vehicular and pedestrian crossing of the tram line by a section of new east/west road (Cross Street);
- a pedestrian path across the tramline, to the west of Lochside Way;
- access off Lochside Way into buildings proposed in planning application reference 17/04341/AMC;
- a section of cycle track to the east of the tram line;
- a section of running track to the west of the tram line;
- tree removal, landscaping with oak cypress trees, pin oak trees, and beech hedging;
- re-configuration, path alteration and landscaping of the south part of the Lochans; and
- other landscaping, including grassed areas.

The roads will be tarmac, and the paving and edging and kerbs will be concrete.

The application plans include unspecified sculpture/ public art.

#### Previous scheme (Scheme 1)

The application was amended with the principle changes being:

- Cross Street ('boulevard') width reduced;
- landscaping reconfiguration; and
- introduction of cycle path and running track beside tram line.

## Supporting information

The applicant has submitted supporting information, which is available to view on Planning and Building Standards Online Services, as follows:

- Arboriculture Method Statement and Tree Protection Plan;
- Bike storage systems advice;
- Design and Access Statement;
- Flood Risk Assessment;
- Habitat Survey Report;
- Photomontage view;
- Summary of proposed adjustments;
- Surface Water Management Plan with appendices (updated);
- Swept Path Analysis;
- Topographical base plans; and
- Visual Appraisal Report.

### **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 proposal is acceptable in principle;
- b) transport issues have been addressed
- c) design and landscape proposals are acceptable;
- d) other material issues have been addressed
- e) any impacts on equalities or human rights are acceptable; and
- f) comments raised have been addressed

## **a) Principle**

This site is within the Urban Area as identified in the Local Development Plan (LDP). LDP policy Del 4 (Edinburgh Park/ South Gyle) supports development which maintains the strategic employment role of the area and also introduces a wider mix of uses.

The LDP Development Principles for Edinburgh Park/ South Gyle envisage a thriving business and residential community, well integrated with the rest of the city through good transport links, and with a more balanced mix of uses and facilities and high quality public realm and green spaces. The general principles state that proposals should help contribute towards realising the long term vision for Edinburgh Park/ South Gyle, incorporate good cycle and pedestrian links through the site and that a flood risk assessment is to be carried out to inform design and layout of development proposals. There is no current, approved masterplan for the area although the LDP contains site-specific principles and an indicative layout plan.

The applicant has put forward indicative proposals for Edinburgh Park Southern Phase as a whole. Masterplan discussions with the same applicant about the southern phase, are at pre-application stage. Architecture and Design Scotland (A&DS) provided the applicant with some masterplan pre-application design input and a proposal of application notice (18/01012/PAN) was submitted for a potential masterplan application. While the A&DS report on the masterplan will not be available until a masterplan application is submitted, A&DS has made limited comment. The refinement of the proposed new Cross Street from a dual carriageway to a mainly two lane road is supported within the A&DS comments.

The principle of infrastructure and landscaping at this location to support the development of the office blocks and ancillary uses is acceptable subject to compliance with other LDP policies.

## **b) Transport**

### Road Layout

The related application 17/04341/AMC proposes a new east- west road ('The Street') to the south of the development blocks. This new street provides access to an internal road and provides an all vehicle linkage between Lochside Avenue and Lochside Court. The Street would cross the tram line and this is considered in this application.

The application originally proposed that The Street would be formed of four lanes. This has been amended to a single lane in each direction. The reduction of the width of this road is welcomed and reduces the dominance of the road on this area.

The Street would replace the function of Station Park road in providing access for bus services currently servicing Edinburgh Park Station, Edinburgh Park and The Gyle. This alternative bus route is acceptable and will bring public transport into the heart of this scheme.

However, Transport Planning has expressed concerns regarding this route as an all vehicle access across the site. It is considered that the dominance of the car fails to provide the strong public transport connections and priority as required by Policy TRA 1 of the LDP.

It is considered appropriate to limit the crossing of the tram route in order to promote the use of active travel and public transport options within the site. It is therefore recommended that a TRO is promoted to limit the movement of traffic towards the tram crossing to only public transport.

The design in and around the actual tram crossing point has not been fully resolved with the tram team. It is considered that the reduction of the crossing to only buses, pedestrians and cycles will limit the potential disruption to the tram. It is proposed that the design solution to cross the tram will be covered by condition. A TRO will be required to limit movements across the tram line.

### Pedestrian Access

The development is within close proximity to the Edinburgh Park Tram Stop. A strong pedestrian connection is provided under to the development. These paths provide segregated provision directly into the existing pedestrian network within Edinburgh. A condition will be required to ensure that these linkages are delivered prior to the occupation of the first office development.

The proposed transport and public transport alterations are generally supported and will provide good connections to the wider public transport network. A condition will be required for the delivery of the tram crossing and details of the road junctions.

### **c) Landscape**

The proposed segregated pedestrian and cycle routes running parallel to the tram routes are a positive inclusion in to the scheme. The routes are tree lined providing a strong definition to the landscape and change of density being established within the wider context of this area.

The proposed landscaping is acceptable.

### **d) Other Material Considerations**

Archaeology - The site is identified as being within an area of archaeological significance, and remains potentially relating to Edinburgh's Prehistory, Roman Occupation, medieval and pre-improvement farming may survive in-situ across the site. A programme of archaeological work is recommended before and during development. This can be secured by a suitable condition.

Ecology - The site has the potential to support protected species. Should Committee be minded to grant the application, a Construction Environmental Management Plan (CEMP) should be put in place to ensure any potential species on site are protected during construction. This should include the ecology report's recommended measures to protect wildlife during site clearance and construction. Other mitigation, survey work

and site ecology development, including that detailed in the ecology report, is needed to compensate for the loss of habitat and improve biodiversity.

Flooding and drainage - Flooding has reviewed the surface water management information and the flood risk assessment information and does not raise an objection. SEPA was consulted and has no objection.

#### **e) Equalities and human rights**

Pedestrian paths and cycle lanes support active travel which can benefit health and well-being. Physical security for future site users is liable to be good during working hours. A condition requiring a detailed lighting plan will help ensure reasonable lighting at other times and improve a sense of security. Details of access for those with mobility issues will need to comply with Building Standards requirements.

#### **f) Representations**

##### Material objections

Transport issues, addressed in 3.3.b)

- Concerns about the dual carriageway.
- Car travel should be minimised and discouraged as there are very good public transport links.
- Out of touch with current CEC policies, which aim to prioritise public transport and cycling.
- Need attractive and safe walking and cycling routes through the area.
- Breaches government policy on the hierarchy of design that should prioritise pedestrian and cycle traffic over vehicle traffic. Consider 'Scots Roads Development Guide' and 'Designing Streets'.
- Lack of suitable connectivity of cycle routes, internally and to other cycle routes and
- Western end of boulevard, underpass, will be key link. Unclear how active traveller will be able to get to and from this without multiple stage crossings of roads.

Non-material comments

- Dissatisfaction with the consultation process - consultation took place in line with legislative requirements; and
- Proposal will encourage bad driving - this is a traffic regulation matter.

Scheme 2 - Additional Comments

- The space occupied by the east-west road to the south of the site would be better used for active travel; and
- Need extension of segregated cycle lanes into wider network;

## Non-material comments

- Dissatisfaction expressed with the consultation process - consultation took place in line with legislative requirements;
- Multi-storey car parks lack active frontage at ground level and will not promote active travel and or increase perceptions of safety for those travelling on foot or by bike, particularly in the darker months - car parks are in the related AMC application, not this one; and
- Bike parking poorly designed, needs reconsidered - bike parking is not this application.

## Conclusion

The proposed tram crossing is acceptable in principle. However it is proposed to be limited to public transport, cycles and pedestrian access. Further details are required to ensure that there is no operational disturbance to the tram. The landscaping will provide a strong edge along the tram line. A number of conditions will be required to ensure appropriate delivery.

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

### 3.4 Conditions/reasons/informatives

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. 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.
3. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing by the Planning Authority to ensure that any potential species are protected during construction.

4. Prior to the commencement of development, full details of the crossing of the Edinburgh Tram line must be submitted for approval including (but not limited to):
  - A full construction method statement which maintains full operation of the Edinburgh Tram network with no severance throughout the period of the works;
  - Details of the Engineering Consultancy(ies) appointed to carry out the design of the works;
  - An outline stakeholder consultation/engagement framework and programme;
  - Design of the proposed crossing;
  - An outline construction programme;
  - Outline cost of the works to form the crossing; and
  - Construction cannot proceed without an Approval to Work, where full construction programme and methodology will need to be approved by Edinburgh Trams Limited before works can commence. The applicant should be aware that separate RCC approval will be required.
5. Prior to the commencement of development a phasing schedule for the delivery of the landscaping and open spaces shall be submitted to and agreed in writing by the Planning Authority. Thereafter the landscaping and open space shall be implemented in accordance with the approved phasing schedule.

#### **Reasons:-**

1. No development shall take place within 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.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to safeguard the interests of nature conservation.
4. In order to safeguard the interests of road safety.
5. 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. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

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.

The matters required to be addressed by TRO promotion;

- 1) contribute the sum of £2,000 to limit traffic in a westwards direction along The Street to public transport only;
- 2) contribute the sum of £2,000 to limit traffic along The Street from Lochside Court to the tram crossing to public transport only;
- 3) contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
- 4) contribute the sum £2,000 to promote a suitable order to introduce a 20mph speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The Council has an arm's length interest in the tram operators. The application is subject to a legal agreement.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

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### **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**

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### **8.1 Pre-Application Process**

There is no pre-application process history.



## 8.2 Publicity summary of representations and Community Council comments

This application was advertised on 27 October 2017. The proposals that formed Scheme 1 received 13 objections and one neutral comment. Following re-advertisement on 25 May 2018, two representations, both objections, were received for Scheme 2.

A full assessment of the representations can be found in the main report in the Assessment section.

### **Background reading/external references**

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

**Statutory Development  
Plan Provision**

The current Development Plan for this site comprises the Strategic Development Plan for South East Scotland (June 2013) and the Edinburgh Local Development Plan (LDP). Supporting documents for the LDP include the LDP Environmental Report, Transport Appraisals and Education Appraisal.

**Edinburgh Local Development Plan**

In the LDP the application site is identified as being within Area EP1, a mixed use area, with business, residential and ancillary uses and commercial hub.

**Strategic Development Plan**

The site is within the West Edinburgh Strategic Development Area.

**Supplementary Guidance**

Revised Supplementary Guidance, Developer Contributions and Infrastructure, has been approved by Committee and will progress to formal adoption. In the meantime, the finalised Supplementary Guidance is a material consideration.

**Date registered**

22 September 2017

**Drawing numbers/Scheme**

01-03,04A-06A,07,08A-18A, 19,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Eileen McCormack, Planning officer

E-mail:eileen.mccormack@edinburgh.gov.uk Tel:0131 529 3609

## **Links - Policies**

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### **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 Del 4 (Edinburgh Park/South Gyle) sets criteria for assessing developments within the boundary of Edinburgh Park/South Gyle.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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 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 Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

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

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 19 (The Protection of Outdoor Sports Facilities) sets criteria for assessing the loss of outdoor sports facilities.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

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.

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

## **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.

**Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE** - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

# Appendix 1

## **Application for Planning Permission 17/04391/FUL At Land Adjacent to, Lochside Way, Edinburgh. Application for full planning permission for new and upgraded road and infrastructure works with associated landscaping (amended).**

### **Consultations**

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#### **Archaeology comment**

*As stated in response to the earlier 2009 & 2017 applications for the redevelopment of this site, although buried beneath modern made ground, the site is considered as still having archaeological significance. The site overlies the course of the Gogar burn which fed the former Gogar/Corstorphine Loch to the north of this site, a shallow post-glacial body of water which stretched westwards from the Gyle towards Corstorphine. Archaeological evidence has shown that both the burn and loch formed important focal points for prehistoric, Roman, Dark Age and Medieval/post-medieval occupation. Excavations at South Gyle (Edinburgh Maybury Park 1990-2' by Moloney C & Lawson J A. 2007, SAIR 23), although limited in scope, provided evidence for occupation of all periods from as early as the Neolithic through to the 19th century.*

*Accordingly, this site has been identified as occurring within an area of archaeological significance. This application must be considered therefore 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 ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*Although this site has undergone a process of modern landscaping with the deposition of landfill material, it is still possible, given the limited extent of the 1990's field work, that important archaeological remains relating to Edinburgh's Prehistory, Roman Occupation, medieval and pre-improvement farming can survive in-situ across the site, though probably in isolated areas. Ground-breaking works associated with development may therefore have a significant adverse affect, however one which is considered on the whole to be low-moderate.*

*It is recommended therefore that prior to development that a programme of archaeological works is undertaken prior to and during development to fully excavate, record and analysis all significant remains, including a programme of environmental sampling of any Palaeo-river and loch deposits. Furthermore, if important discoveries are made during these works a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) will be required to be undertaken, the final scope to be agreed with CECAS.*

*Therefore, it recommended that if consent is granted that the following condition is attached to ensure the undertaking of the required programme of archaeological works on this site.*

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

### **Archaeology comment revised scheme 2018**

*Having assessed the new revised documents, I can confirm that my earlier comments and recommendations (see memo of the 18th October 2017) in respect to the original application remain unaltered and are as follows:*

*As stated in response to the earlier 2009 & 2017 applications for the redevelopment of this site, although buried beneath modern made ground, the site is considered as still having archaeological significance. The site overlies the course of the Gogar burn which fed the former Gogar/Corstorphine Loch to the north of this site, a shallow post-glacial body of water which stretched westwards from the Gyle towards Corstorphine. Archaeological evidence has shown that both the burn and loch formed important focal points for prehistoric, Roman, Dark Age and Medieval/post-medieval occupation. Excavations at South Gyle (Edinburgh Maybury Park 1990-2' by Moloney C & Lawson J A. 2007, SAIR 23), although limited in scope, provided evidence for occupation of all periods from as early as the Neolithic through to the 19th century.*

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#### **Architecture+Design Scotland comment**

*Architecture & Design Scotland were requested to provide support to the Edinburgh Park project following discussions with City Of Edinburgh Council and Parabola in October and November 2017. Support was provided in the form of two workshops which provided a locus for dialogue and review of the wider masterplanning for the extension of Edinburgh Park.*

*We were encouraged by the way the design team responded to comments raised at both workshops and acknowledge that a lot of significant work and improvements have been made to the planning application(s) following our discussions.*

*In particular, we welcome the changes made to the Boulevard and the refinement of this to a smaller 'Cross Street'. The reduction in vehicle lanes, introduction of shared space design and general changes to the character of this has positively extended the pedestrian priority which was a key discussion in the workshops. We are also pleased to see the introduction of rain gardens to act as SUD's features and an extension of the culvert; another item which had been discussed in detail at the workshops.*

*We welcome Parabola's intent and vision to transform a business park into a mixed-use area and part of the city of Edinburgh. The presentations and clarity of the drawings brought to both workshops allowed for substantive and meaningful discussions. We feel it would have been useful for this application to include information regarding further phases of the wider masterplan proposals for the site, as we know considerable work and thought have gone into this and that these will be integral to the success of the scheme submitted.*

*We welcome the proposals as a potential model for peripheral sites in Edinburgh in terms of density and urban form. We commend the Client's aspirations and vision for*

*the site and think there is great potential in the approach which has been taken. We also welcome delivery models that demonstrate urban qualities of density, creating vitality and a mix of uses.*

*We would note that the majority of our advice in connection with the project relates to the masterplanning of the wider mixed-use development area proposed and in particular the housing component. However, we consider the current proposals now demonstrate an effective and convincing first step towards realising the wider mixed-use development envisaged.*

### **Edinburgh Airport comment**

*The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.*

### **Edinburgh Trams comment**

*Edinburgh Trams welcomes the development and will assist the Council and the developer wherever possible. I have noted below our detailed comments.*

#### *Tram Crossing*

*It would be useful to understand the requirement for such a large road crossing of the tram tracks being proposed. The scale, cost and disruption associated with a change of this magnitude should not be underestimated - it would be a significant undertaking to an operational tramway and would require changes to the following infrastructure:*

- tram trackform type*
- change in rail profile*
- drainage*
- tram detection (on the approach to a controlled crossing in both directions)*
- communications infrastructure*

*We would need to keep disruption to a minimum during these works. We would also require the loss in revenue, and any incurred costs to be met by the developer.*

*A less disruptive alternative would be an active travel crossing for pedestrian and cyclists and the occasional emergency vehicle.*

#### *Asset Protection*

*It is recommended that the Council, as asset owner of the tram system, enter into an asset protection agreement with the developer to ensure the planning, construction, future maintenance and indemnification is adequately addressed. We would be welcome to assist in this, if required.*



## *Landscaping*

*Detailed landscaping plans need to be agreed to ensure we maintain the required forward visibility and adequate viability of approaching pedestrians, cyclists and vehicles.*

## **Environmental Protection comment**

*Environmental Protection has no objection to the application, however, we would like to draw the applicant's attention to the following matter.*

*This application supports the overarching AMC application for the area (17/04341/AMC | Application for matters specified in condition 5 of planning permission 09/00430/FUL | 101 Edinburgh Park). One of the outstanding concerns for that application is transport issues, and in particular car parking.*

*Reducing the need to travel and promoting use of sustainable modes of transport are key principles underpinning the current Local Development Plan (LDP) Strategy. Future growth of the city based on excessive car use and dependency would have serious consequences in terms of congestion and deteriorating air quality. An improved transport system based on sustainable alternatives to the car is therefore a high priority for Edinburgh. This is the central objective of the Council's Local Transport Strategy, which proposes continued investment in public transport walking and cycling. (2nd LDP).*

*The provision of over 1500 car parking spaces within the AMC contradicts the applicants vision including - Exceptional transport and connectivity, strategies to encourage pedestrians and cyclists and Sustainability and culture at the heart of the design.*

*The scale of the AMC proposed development's parking numbers is problematic. The potential impacts traffic generated by the site will have on the nearby AQMA. The main source of this pollution is traffic generated and this site will introduce an increased number of vehicles onto the network. The proposed numbers of parking spaces are excessive for a site that is well served by public transport. The applicant has not fully considered the full range of mitigation measures open to them. We would normally encourage developers to work with Environmental Protection to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;*

- 1. Keep Car Parking levels to minimum.*
- 2. Car Club facilities (electric and/or low emission vehicles).*
- 3. Provision of electric vehicle charging facilities.*
- 4. Public transport incentives for residents.*
- 5. Improved cycle/pedestrian facilities and links.*
- 6. Taxi specific rapid electric vehicle charging points.*

*In addition, we would draw the applicant's attention to the recently approved Edinburgh Design Guidance for City of Edinburgh Council, particularly section 2.4: Design, Integration and Quality of Parking, which provides new parking standards for the city and minimum standards for electric car charging places.*

## **Environmental Protection comment revised scheme May 2018**

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*In addition, we would draw the applicant's attention to the recently approved Edinburgh Design Guidance for City of Edinburgh Council, particularly section 2.4: Design, Integration and Quality of Parking, which provides new parking standards for the city and minimum standards for electric car charging places.*

## **Environmental Protection supplementary**

*A site investigation would be recommended:*

*Prior to the commencement of construction works on site:*

*(a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning. 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 to the satisfaction of the Head of Planning.*

## **Flood Prevention**

*We have reviewed the updated surface water management information uploaded to the portal and accept it on behalf of flood prevention.*

*Whilst there is no flood risk assessment uploaded to the portal under this planning reference we understand that this application is linked to 17/04341/AMC and a flood risk assessment was undertaken for this. The FRA covered the area and the proposed development for both applications and as a result we are happy to use this to discharge concerns for this application (17/04391/FUL). The FRA followed our self-certification procedure.*

*As a result, Flood Prevention have no further comment on this application and we are happy for it to proceed to determination.*

## **Public + Accessible Transport**

*Our comments are listed below.*

- Although reduced in size, the boulevard will still require the closure of the tram until the new road can be built. This will require agreement with Edinburgh Trams on how a temporary arrangement can be set up which still allows a full route service to be provided until construction is complete. Any loss of revenue by Edinburgh Trams would be funded by CEC so an agreement will be required so this can be recovered from the developer.*
- If the crossing of the tramway was restricted to pedestrian/cycle and occasional emergency vehicles then a proprietary product such as Strail could form the crossing and this could be done overnight when services are not running with very little disruption to trams.*

- *Trams operate via line of sight and enclosing them in a corridor bounded by hedging could affect visibility. The rest of the landscaping through this business park is very open and visibility is also very good. During Autumn there are issues with traction elsewhere when leaves land on the tracks so planting a line of trees adjacent to the rail could create ongoing maintenance issues.*
- *The landscape maintenance responsibilities elsewhere in this park are fairly complicated. Edinburgh Park Management look after common ground, the building owner looks after the frontage and CEC looks after the tram corridor. It would be much more straightforward if a condition was put on this application that one maintainer looks after the corridor.*

## **SEPA**

### *Advice for the planning authority*

*We have no objection to this planning application. Please note the advice provided below.*

#### *1. Engineering activities in the water environment*

*1.1 There are no issues which we are aware of with the existing culvert (as referenced in the Design and Access Statement paragraph 2.3.2) that could impact on the development.*

*1.2 Some engineering activities in the water environment require authorisation under the Water Environment (Controlled Activities) Regulations 2011 (as amended) i.e. the "CAR Regulations". Further details of the types of activities that may require authorisation under the CAR Regulations can be found in SEPA's CAR Practical Guide. It is advised that a developer should contact the relevant local SEPA team to discuss any activities that may be subject to these regulations.*

#### *2. Flood Risk*

*2.1 In accordance with the SEPA-Planning Authority Protocol (SEPA Policy 41) planning authorities must specify when they require flood risk advice at the time of consultation. You should screen planning applications against SEPA's Indicative River and Coastal Flood Map (Scotland) available on your GIS system and against any other flood risk information from your internal Flood Prevention Officer. You should then determine if the type of development is one for which we have provided standing advice in the Appendices of this guidance note. If it is clear that the proposal could lead to an increase in the number of persons or buildings at risk of being damaged by flooding then you should ensure that the application is supported by a flood risk assessment and then consult SEPA. This approach is in accordance with the general duties for local authorities under the Flood Risk (Scotland) Management Act 2009 to undertake relevant functions in a way that reduces overall flood risk.*

## **SEPA**

*We have no objection to this planning application. Please note the advice provided below.*

### *1. Drainage Plan*

*1.1 A construction site licence under CAR for water management across the whole construction site is like to be required. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that pre-application discussions with a member of the regulatory team in the local SEPA office, which can be found at the end of this letter, are arranged.*

### *2. Surface Water Drainage*

*2.1 The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) includes a requirement that surface water discharge must not result in pollution of the water environment. It also makes Sustainable Drainage Systems (SUDS) a requirement for new development, with the exception of runoff from a single dwelling and discharges to coastal waters. We encourage surface water from all developments to be treated by SUDS in line with Scottish Planning Policy (Paragraph 209).*

*2.2 SUDS help to protect water quality and reduce potential for flood risk. They are appropriate in both urban and rural situations. Cost effective SUDS solutions can be found for almost every situation, and can be a cheaper alternative to traditional drainage measures. SUDS also provide opportunities for increased amenity and biodiversity value of sites.*

*2.3 Where the alternative is use of combined systems, SUDS increases capacity in infrastructure for future developments and reduces the risk of pollution events. Discharges to combined sewers should be avoided. Scottish Water will only accept surface water into a combined system in exceptional circumstances, and we would expect Scottish Water and the applicant to ensure that all reasonable efforts are made to remove surface water from the combined sewer.*

*2.4 It is important to ensure that adequate space to accommodate SUDS is included within the site layout (especially when considering applications for planning permission in principle). Each individual type of SUDS feature, such as a filter drain, detention basin, permeable paving or swale, provides one level of treatment. For example, surface water treated by permeable paving then in turn by a detention basin, ie runoff passing through both features in series (not in parallel), would be classed as receiving two levels of treatment whereas surface water treated by two detention basins would be classed as receiving one level of treatment.*

2.5 For all developments, run-off from areas subject to particularly high pollution risk (eg yard areas, service bays, fuelling areas, pressure washing areas, oil or chemical storage, handling and delivery areas) should be minimised and directed to the foul sewer. Where run-off from high risk areas cannot be directed to the foul sewer we can, on request, provide further site specific advice on what would be the best environmental solution.

2.6 Developers are directed to the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. Applicants should be using the Simple Index Approach (SIA) Tool to determine if the types of SUDS proposed are adequate.

2.7 The SUDS treatment train should be followed which uses a logical sequence of SUDS facilities in series allowing run-off to pass through several different SUDS before reaching the receiving waterbody.

2.8 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, where appropriate, the views of the local authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues. This would not be a role for SEPA's flood risk hydrology function.

2.9 Further guidance on the design of SUDS systems and appropriate levels of treatment can be found within CIRIA's C753 manual entitled *The SUDS Manual* at [www.ciria.org](http://www.ciria.org). Advice can also be found in the SEPA Guidance Note LUPS GU12 *Planning Advice on Sustainable Drainage Systems (SUDS)* and SEPAs regulatory method WAT-RM-08 for SuDS. Further information can also be found in the *Water Assessment and Drainage Assessment Guide* produced by the Sustainable Urban Drainage Scottish Working Party (SUDSWP).

## **Transport Scotland**

*The Director does not propose to advise against the granting of permission.*

## **Waste Services**

*It is my understanding that this application does not include residential development therefore no waste strategy agreement is required.*

## Transport Authority

*The application should be refused.*

*This recommendation should be read in conjunction with the consultation response for planning application 17/04341/AMC.*

*Reason(s):*

*1. Insufficient detail has been provided in respect of the proposed crossing of the Edinburgh Tram line within Edinburgh Park.*

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

- 1. The applicant will be required to:*
  - Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
  - Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*
- 2. Before the commencement of development, full details of the crossing of the Edinburgh Tram line must be submitted for approval including (but not limited to):*
  - A full construction method statement which maintains full operation of the Edinburgh Tram network with no severance throughout the period of the works;*
  - Details of the Engineering Consultancy(ies) appointed to carry out the design of the works;*
  - An outline stakeholder consultation/engagement framework and programme;*
  - Design of the proposed crossing;*
  - An outline construction programme;*
  - Outline cost of the works to form the crossing; and*
  - Construction cannot proceed without an Approval to Work, where full construction programme and methodology will need to be approved by Edinburgh Trams Limited before works can commence. The applicant should be aware that separate RCC approval will be required.*
- 3. 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;*
- 4. The proposed cross-sectional details of the "Boulevard" are not applicable to this application;*
- 5. The proposed cross-sectional details of the "Boulevard" and construction details are not approved;*
- 6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*

7. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
9. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;
10. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
11. 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;
12. The developer must submit a maintenance schedule for all SUDS infrastructure for the approval of the Planning Authority;

**TRAMS - Important Note:**

The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;



- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.
- See our full guidance on how to get permission to work near a tram way
- <http://edinburghtrams.com/community/working-around-trams>

## Location Plan

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