

# Development Management Sub Committee

Wednesday 20 March 2019

**Application for Planning Permission 18/08606/FUL  
At Former Agilent Technologies, Scotstoun Avenue, South  
Queensferry  
Erect 3 storey building to include class 1 (retail) plus  
classes 2+4 (financial/professional services+office) uses.**

<b>Item number</b>	4.8
<b>Report number</b>	
<b>Wards</b>	B01 - Almond

## Summary

---

The proposal complies with the local development plan and is acceptable. The scale, design and materials are acceptable and the proposal will have no adverse impact upon residential amenity and road safety. There are no material considerations that outweigh this conclusion.

## Links

---

<a href="#"><u>Policies and guidance for this application</u></a>	LRET06, LDES01, LDES03, LDES05, LTRA02, LTRA03,
---	---

# Report

## **Application for Planning Permission 18/08606/FUL At Former Agilent Technologies, Scotstoun Avenue, South Queensferry Erect 3 storey building to include class 1 (retail) plus classes 2+4 (financial/professional services+office) uses.**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The site is an area of open ground located at the junction with Burdock Road and Craw's Close and forms part of a recently completed residential development. To the south and east are three and four storey blocks of flats with two storey housing located to the north of the site. The total site area is 0.1 hectares. Fifteen parking spaces have been formed on an area of hardstanding.

#### **2.2 Site History**

10 April 2008 - Outline planning permission was granted for a residential development (application number: 06/00842/OUT).

14 May 2012 - Planning permission in principle was granted for redevelopment for residential and mixed use development including retail units (class 1), business use (class 4), financial and professional services (class 2), food and drink (class 3), non-residential institution eg creche (class 10) and associated access, parking and landscaping (application number: 11/00995/PPP).

2 September 2013 - An application to renew the outline consent granted in 2008 was withdrawn (application number: application number: 11/01162/FUL).

6 December 2013 - Application for Approval of Matters Specified in Conditions of application 11/00995/PPP granted for mixed use development of 450 houses and flats and commercial building. This included a 1400sq. m of Class 4 office floorspace (application number: 13/03310/AMC).

## Main report

---

### 3.1 Description Of The Proposal

The proposal is for the erection of a three storey building for retail and office use. The building will provide 500 sq. m. of retail on the ground floor and two open plan office space at the first and second floor each comprising of 245 sq. m and 255 sq. m.

The proposed building is three storeys with a pitched roof and will be finished in smooth white render, facing brickwork and reconstituted slate tiles. The existing car parking within the site provides fourteen parking spaces with two EV charging points. Cycle parking for seven bikes is provided internally to the rear of the building by secure access and three cycle racks will be provided at the front of the retail unit.

### 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 proposed development is acceptable;
- b) the scale, form, design and materials are acceptable;
- c) the development will impact on residential amenity;
- d) transport, parking and access are satisfactory; and
- e) the representations have been addressed.

#### a) Principle

The principle of commercial floorspace has been established through the granting of consent in 2013 (application ref: 13/03310/AMC). The proposal now includes 500 sq. m of retail floorspace at the ground floor. The site is not located in or near a designated shopping centre and is an out-of-centre development. It needs to satisfy four criteria to comply with Edinburgh Local Development Plan (LDP) policy Ret 6 (Out of Centre Development):

- a) whether it addresses quantitative or qualitative deficiency;
- b) all potential sites have been assessed and discounted as unsuitable or unavailable;
- c) it will not have an adverse effect on the vitality and viability of existing centres; and
- d) the site is easily accessible.

The nearest local centre (Scotstoun Grove, Queensferry) is located 1.25km to the west of the site. This includes a small Co-op, takeaway and public house. The closest largest supermarket (Tesco) is located 1.8 km away at Ferrymuir. At present the immediate area is under represented in terms of choice of shopping provided. Given the size of the unit proposed (500 square metres) it is not intended to be a destination for bulk food shopping and represents an opportunity to provide an additional top up convenience store in an accessible location filling the gap in this area complying with part (a) of Policy Ret 6.

Due to their size, other units within the local centre have been discounted. These are also unsuitable given their location some distance from the site which are not in an accessible location. It is accepted that there are unlikely to be any other suitable sites available within the defined local centres and the proposal complies with part (b) of Policy Ret 6.

The proposed retail unit is principally intended to serve the recently completed residential development. The adjacent local centre provides a range of services and the scale of the retail proposal will not prejudice the future development of this centre. The proposal will not affect the vitality or viability of the existing centre and complies with part (c) of Policy Ret 6.

The site is located within a walkable distance of the residential development and is located in close proximity to Dalmeny railway station, thus complying with part (d) of Policy Ret 6.

#### b) Scale, form and Design and Materials

Edinburgh Local Development Plan policies Des 1 and Des 3 states that planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area and that development should demonstrate that the existing characteristics have been incorporated and enhanced through its design and will have a positive impact on its surroundings.

The Edinburgh Design Guidance sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on the site and materials and detailing.

The overall height of the building is approximately 1 metre higher and 100 square metres more in floor area than the consented scheme approved in application 13/03310/AMC. The overall design of the building with its pitched roof and fenestration pattern reflects the architecture found in the wider development. The height and massing of the building has similar characteristics to the surrounding buildings and is appropriate within the context of the area.

The development accords with policies Des 1 and Des 3 of the LDP.

#### c) Residential Amenity

Policy Des 5 states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The building is positioned approximately 3.1 metres from the properties located to the north east and is the same distance as that of the consented scheme. The proposal now includes a retail use which will not raise any new amenity issues in terms of privacy or overshadowing.

Plant is proposed on the North West elevation of the building. Environmental Protection has raised concerns over noise from the plant and require a Noise Impact Assessment to be carried out. This is deemed unnecessary as any issues relating to noise from the plant would be covered under the Environmental Protection Act and would be pursued by Environmental Services.

The control of deliveries and collections, including waste, are out with the control of the applicant and is therefore unreasonable and unenforceable to attach conditions in respect of this. The need to restrict delivery hours in this instance is unnecessary as the consented scheme was not subject to these conditions.

The development accords with policy Des 5 of the LDP.

#### d) Transport

Policy Tra 2 and Tra 3 states that permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels and cycle parking and storage complies with the standards.

The parking area has been formed and provides parking for fifteen parking spaces. Seven cycle parking spaces is to be provided securely within the building and three racks will be provided outside the entrance to the retail unit. The parking provision for the wider site met the parking standards when approval was given under application 13/03310/AMC. The current proposal is appropriate under the current standards and Transport has raised no objection.

Transport, parking and access are satisfactory and accords with policy Tra 2 and Tra 3 of the LDP.

## e) Representations

### **Material Representations - Objection**

- business is not in keeping with the area; - assessed in section 3.3(a).
- the height of the building is out of keeping; - assessed in section 3.3 (b).
- overshadowing and loss of light; - assessed in section 3.3 (c).
- parking problems in the area; - assessed in section 3.3 (d).
- disturbance from deliveries; - assessed in section 3.3 (d).

### Conclusion

The proposal complies with the development plan and is acceptable. The scale, design and materials are acceptable and the proposal will have no adverse impact upon residential amenity and road safety. There are no material considerations that outweigh this conclusion.

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

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

#### **Conditions:-**

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.

#### **Reasons:-**

1. 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. 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. 70 or 50kW (100 Amp) DC with 43kW (63 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 22kW to any two of the three outlets simultaneously.

Charging outlet (wall or ground mounted) should be of the following standard:

Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use.

## **Financial impact**

---

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

There are no financial implications to the Council.

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

---

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

## **Equalities impact**

---

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

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

## **Sustainability impact**

---

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

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

## **Consultation and engagement**

---

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

There is no pre-application process history.

## 8.2 Publicity summary of representations and Community Council comments

The application attracted a total of twenty one letters of representation. A full summary of the matters raised by the objectors can be found in section 3.3 (f) of the main report.

### Background reading/external references

---

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



## **Statutory Development**

### **Plan Provision**

Edinburgh Local Development Plan - It is allocated as HSG 2

### **Date registered**

18 October 2018

### **Drawing numbers/Scheme**

01-07,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

## **Links - Policies**

---

### **Relevant Policies:**

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 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 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

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

# Appendix 1

## **Application for Planning Permission 18/08606/FUL At Former Agilent Technologies, Scotstoun Avenue, South Queensferry Erect 3 storey building to include class 1 (retail) plus classes 2+4 (financial/professional services+office) uses.**

### **Consultations**

---

#### Roads Authority

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

- 1. A minimum cycle parking provision to be set at 11 spaces, comprising 8 spaces for employees and 3 spaces for visitors;*
- 2. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
- 3. Two EV charging point with capability for rapid charging to be provided;*
- 4. The internal layout of the car park does not permit the manoeuvring of a refuse collection vehicle. Accordingly, the refuse store should be located such that collection can take place from the kerbside;*
- 5. Applicant is required by the 2017 parking standards to provide disabled parking spaces constituting 6% of the total parking provision.*
- 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 Council's 2017 parking standards require space for a minimum of 3 motorcycles.*

#### *Notes:*

- 1. The site has extant consent for 1,400 m<sup>2</sup> Class 4 office and associated car parking provision. Development of the site has commenced with the construction of the car park completed on the basis of the approved plans for 13/03310/AMC.*

2. *Parking Standards for Development Management 2009* were the current Council parking standards at the time of planning consent being granted previously. For the extant consent, a total of 35 parking spaces (maximum) would have been permissible under this standard, as follows:

a. Class 4 Office (1,400 m<sup>2</sup>) - 1 space per 60 m<sup>2</sup> (minima) - 23 spaces, and 1 space per 40 m<sup>2</sup> (maxima) - 35 spaces.

3. This is a new application which seeks a material variation of the extant PPP consent (11/00995/PPP) to provide 1,000 m<sup>2</sup> open Class 2 Professional & Financial Services/Class 4 Office uses plus 500 m<sup>2</sup> Class 1 Retail, and therefore it will be assessed against current policy. The applicant's attention was drawn to Section 2.4, "Design, Integration and Quantity of Parking," in the *Edinburgh Design Guidance, October 2017(EDG)*, in particular the subsection, "Parking Standards," where it states that all applications must have reasoned justification for any level of car parking. Details of what should be included in this justification could be found on pages 58 & 59 of the guidance document. The applicant's response was that it had extant consent and part of the development (car parking) had commenced and was now complete, therefore no further justification was required;

4. The application has been assessed under the 2017 parking standards for Zone 3. This standard permits a maximum of the following for the respective land uses proposed:

- o Class 1 Retail (500 m<sup>2</sup>) - 1 space per 25 m<sup>2</sup> - 20 spaces;
- o Class 2 Financial/Professional Services (1,000 m<sup>2</sup> or proportion thereof) - 1 space per 25 m<sup>2</sup> - 40 spaces;
- o Class 4 Office (1,000 m<sup>2</sup> or proportion thereof) - 1 space per 35 m<sup>2</sup> - 29 spaces.

Open consent is sought for the Class 2/4 uses therefore a maximum of 29 (Class 2/4) plus 20 (Class 1) would be permissible. The Class 1 use is deemed to be of general "convenience" scale and also ancillary to the proposed uses. It is also within a reasonable walking distance of the adjacent housing development, therefore this maximum ceiling should be reduced.

5. Applying the, "*Parking Standards for Development Management 2009*," which were the current Council parking standards at the time of planning consent being granted, a total of 45 car parking spaces (maximum) would have been permissible under this standard with breakdown as follows;

- o Class 1 Retail (500 m<sup>2</sup>) - 1 space per 100 m<sup>2</sup> (minima) - 5 spaces, and 1 space per 25 m<sup>2</sup> (maxima) - 20 spaces;
- o Class 2 & 4 Office (1,000 m<sup>2</sup>) - 1 space per 60 m<sup>2</sup> (minima) - 17 spaces, and 1 space per 40 m<sup>2</sup> (maxima) - 25 spaces.

The consented Office development car park provides 15 parking spaces. This reduced provision in the extant consent was agreed on the basis that there was adequate unallocated parking space located nearby.

The proposed layout has been amended and the overall provision has been reduced to 14 spaces to accommodate a space dedicated for disabled use in the proposed development. It is considered that this provision remains appropriate for the amended development proposals.

6. *It was raised with the applicant that there was no mention of the proposed provision of disabled user, cycle or motorcycle parking in support of the development application. The applicant's response states that space motorcycle parking could be provided. No reference was made to cycle parking provision in the applicant's response;*

*Cycle parking provision in accordance with the EDG should be a minimum of the following:*

- o Class 1 Retail (500 m<sup>2</sup>) - 1 space per 250 m<sup>2</sup> for employees - 2 spaces, and 1 space per 500 m<sup>2</sup> for customers - 1 space;*
- o Class 2 Financial/Professional Services (1,000 m<sup>2</sup> or proportion thereof) - 1 space per 250 m<sup>2</sup> for employees - 4 spaces, and 1 space per 500 m<sup>2</sup> for visitors - 2 spaces;*
- o Class 4 Office (1,000 m<sup>2</sup> or proportion thereof) - 1 space per 150 m<sup>2</sup> for employees - 6 spaces, and 1 space per 1000 m<sup>2</sup> for visitors - 1 space.*

*The maximum aggregate cycle parking provision for the use classes being sought would be 8 spaces for employees and 3 spaces for visitors. Employee parking should be covered and secure. All cycle parking should be located such that there is natural surveillance.*

7. *Electric vehicle charging outlets should be provided for this development. No mention is made in regard to such provision within the Design Statement. The applicant responded that they are willing to supply one EV charging point as part of the development. This should have rapid charging capability;*

### Environmental Protection

*The proposed site is currently designated for class 4 development and forms part of a wider masterplan of predominantly residential units (Planning Application 11/00995/PPP) which has now been built. Due to the recent modern housing development, the overall character within the vicinity of the site is of a modern development.*

*The current proposal provides 500m<sup>2</sup> Class 1 retail space to the ground floor and 500m<sup>2</sup> of office space to the first and second floors. This proposal retains 15 of the car parking spaces already formed in porous paving. The proposal is in line with the detailed planning permission for 1,400sq m (15,070 sqft) of Class 4 Business Space. However, the ground floor is now proposed to be retail rather than business use.*

*This proposed change will introduce different noise concerns with plant and especially late and early deliveries and collections of waste. The applicant will need to assess the impacts in the form of a noise impact assessment before Environmental Protection can consider supporting the application. If hours of use are to be considered as noise mitigation measures they must be accepted by Planning for being used as a conditioned.*

*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.*

*Parking provision will be provided in the form of 15 individual in-curtilage parking. The Edinburgh Design Standards Require the provision of 2.5 electric vehicle charging points to be installed. Environmental Protection require one rapid charger to be installed which would serve two spaces.*

*Therefore, Environmental Protection cannot support the application in its current form due to the potential noise impacts this proposal would have on neighbouring amenity. If consented Environmental Protection would require the following conditions to be attached;*

#### *Condition*

*1. 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.*

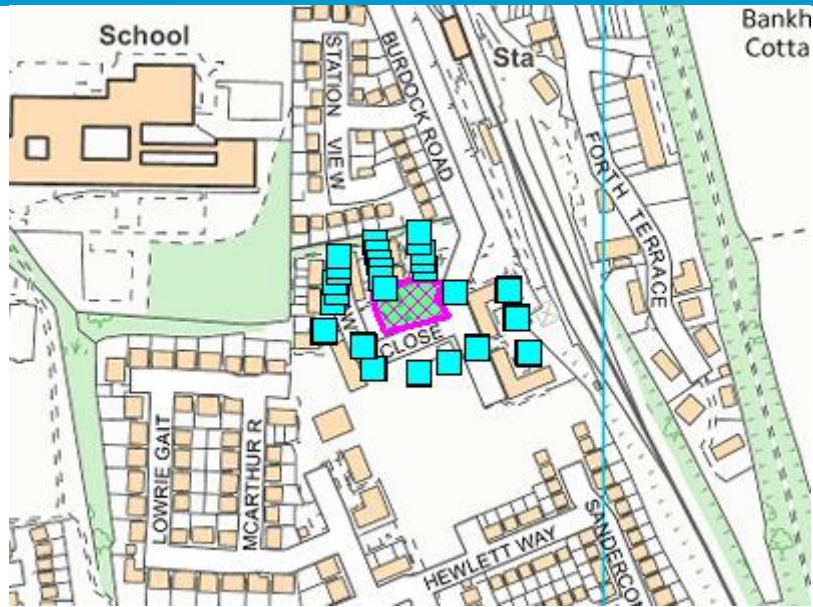
*2. 70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 22kW to any two of the three outlets simultaneously.*

*Charging outlet (wall or ground mounted) should be of the following standard:*

*Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use.*

## Location Plan

---



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