

Notice of meeting and agenda

Regulatory Committee

2 pm, Monday, 3 February 2014

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

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

Contact

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 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. Deputations

- 3.1 Item 7.1 - Representations to the Dreghorn Loan (Polofields) Road Construction Consent
 - (i) Residents of 61, 57, 55, 50 Dreghorn Loan and 90 Redford Avenue – statement (circulated)
 - (ii) The Laverockdale Estate Residents – statement (circulated)

4. Minutes

- 4.1 Regulatory Committee of 15 November 2013 (circulated – submitted for approval as a correct record).
- 4.2 Licensing Sub-Committees of 13 and 15 November and 11 and 13 December 2013 (circulated – submitted for approval as correct records).

5. Key decisions forward plan

- 5.1 None

6. Business bulletin

- 6.1 None

7. Executive decisions

- 7.1 Representations to the Dreghorn Loan (Polofields) Road Construction Consent (Ed/13/0013) – report by the Director of Services for Communities (circulated)
- 7.2 Taxi Stances – Revocations, Variations and Appointment – various locations along the Edinburgh Tram route – report by the Director of Services for Communities (circulated).

- 7.3 Review of Public Entertainment Licensing – report by the Director of Services for Communities (circulated).

(Note copies of the consultation responses are available for inspection by members in party Group Rooms, and to members of the public by contacting Stephen Broughton, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4261, e-mail stephen.broughton@edinburgh.gov.uk

- 7.4 Civic Government (Scotland) Act 1982: Update of Standard Licence Conditions – report by the Director of Services for Communities (circulated).

8. Routine decisions

- 8.1 None

9. Motions

- 9.1 None

Carol Campbell

Head of Legal, Risk and Compliance

Committee Members

Councillors Barrie (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Gardner, Bill Henderson, Heslop and Redpath.

Information about the Regulatory Committee

The Regulatory Committee consists of 9 Councillors and is appointed by the City of Edinburgh Council. The Regulatory Committee usually meets every eight weeks.

The Regulatory 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

If you have any questions about the agenda or meeting arrangements, please contact Aileen McGregor, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4325, e-mail aileen.mcgregor@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/cpol.

For remaining items of business likely to be considered in private, see separate agenda.

Regulatory Committee

9.00 am, Friday 15 November 2013

Present

Councillor Barrie (Convener), Blacklock (Vice Convener), Aitken, Gardner, Bill Henderson, Heslop, Lewis (substituting for Cllr Cairns), Main (substituting for Cllr Burgess) and Redpath.

1. Minutes

Decision

- 1) To approve the minute of the Regulatory Committee of 6 September 2013 as a correct record.
- 2) To approve the minutes of the Licensing Sub-Committees of 4 and 6 September, 9, 11 and 23 October 2013 as correct records.

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2. Proposed Changes to Public Entertainment Resolution

Approval was sought to undertake a statutory consultation for a draft amended Public Entertainment Resolution. The amended resolution would remove the requirement for sauna and massage premises to be licensed.

Decision

1. To approve the amended Draft Public Entertainment Resolution detailed at appendix 2 to the report by the Director of Services for Communities and to agree to commence a statutory consultation.
2. To agree that the consultation would take place between 18 November and 15 December 2013 and that a report on the matter be submitted to the Regulatory Committee.
3. To note that in line with the objective of minimising harm it, is further proposed that work be taken forward with NHS, Police and other partner agencies to provide appropriate support and assistance to anyone working within these establishments; and

4. Having regard to 3 above to request that the Director of Health and Social Care submit a report to the Corporate Policy and Strategy Committee on 21 January 2014 on any agreed proposals and an implementation plan for providing the proposed interagency support.

(Reference – report by the Director of Services for Communities, submitted.)

3. Regulatory Committee Work Plan

An update on progress with the current Regulatory Committee work plan outlined activity which would form the core of Committee business for the next twelve months. The plan addressed outstanding policy issues within the remit of the Committee.

Additionally, the work plan linked to the programme to modernise the licensing system to ensure that it would be customer focussed.

Decision

1. To note the progress made with the work plan in the last 12 months detailed at appendix 2 to the report by the director of Services for Communities.
2. To agree the amended work plan, detailed at appendix 2 to the report by the director of Service for Communitites.
3. To request members to contact the Director of Services for Communities with any suggestions for additional projects to be included in the workplan.

(Reference –report by the Director of Services for Communities, submitted)

4. Taxi Stances - Revocations, Variations and Appointment

Approval was sought to undertake a statutory consultation in regard to the revocation, variation and appointments of the taxi stances along the Edinburgh Tram Route.

Decision

1. To note the contents of the report.
2. To instruct any new stance or increase stance is advertised and consulted on as listed in Appendix 1 of the report by the director of Services for Communities and to request a report in the next cycle on any representation received.
3. To note the comments made in Appendix 2 of the report by the Director of Services for Communities and to instruct that early consultation is carried out on the potential for stances in those locations.

4. To include the stances at Haymarket station in the next taxi stance survey.
5. To request details of the level of taxi usage at Haymarket station be included in the next assessment of need to be undertaken.

(Reference – report by the Director of Services for Communities, circulated)

5. Use of CCTV in Taxi and Private Hire Cars

The Committee were asked to approve requests by taxi or private hire car licence holders to fit forward facing cameras to their vehicles subject to certain conditions.

Decision

1. To agree in principle that forward facing cameras may be installed in taxis and private hire cars on application, subject to the requirements set out in Appendix 3 to the report by the Director of Services for Communities.
2. To delegate to the Director of Services for Communities the authority to approve individual licence applications in terms of paragraph 206 and 261 of the Council's licensing conditions, to allow the installation of forward facing cameras within taxis.
3. To agree that there should be a fee of £50 per vehicle for each application to install front facing CCTV.
4. To note the information contained in the report relating to the potential use of CCTV within taxis and private hire cars for security purposes and agree to consultation taking place on this topic.
5. To instruct the Director of Services for Communities to engage in further consultation with the trade and the public on this topic and to report back to Committee within 6 months.

(Reference – report by the Director of Services for Communities, circulated)

6. Control of Advertising on Taxis – feedback on consultation

Details were provided of feedback on the recent consultation on the control of advertising on taxis as requested at a meeting of the Regulatory Committee on 1 February 2013.

Approval was sought for new licensing conditions and to withdraw previous conditions regarding the control of advertising on taxis.

Decision

1. To vary the current conditions of licence relating to the control of advertising on taxis in as detailed in Appendix 1 of the report by the Director of Services for Communities and to adopt those detailed in Appendix 2 of the report.

2. To agree that the new conditions will come into force on 1 December 2013.
3. To discharge the outstanding remit from the Regulatory Committee on 1 February 2013.

(Reference –Regulatory Committee, 1 February 2013 (item 4); report by the Director of Services for Communities, circulated)

7. Review of Approval for Private Hire Cars Modified to Carry Wheelchairs

The Director of Services for Communities outlined proposed new procedures for private hire car licence holders seeking approval to modify their vehicles to facilitate wheelchair access to the rear of the vehicle. As these proposals introduced new licensing conditions, the Council was required to consult on the matter.

Decision

To agree:

- a) Subject to consultation that any PHC modified for wheelchair users shall be required to obtain an Independent Vehicle Assessment (IVA) prior to the relevant licence being granted for that vehicle.
- b) Where the modification involves a chair lift that suitable test certificates shall be provided by the applicant.
- c) The process is only to be used for PHC's which are intended to be used for hires contracted by organisations on behalf of school children with special needs and their carers and nursing homes.
- d) The cost of obtaining these certificates for each vehicle shall be borne by the licence holder.
- e) To request the Director of Services for Communities to engage in consultation on the matter and to report back to committee on completion.

(Reference – report by the Director of Services for Communities, circulated)

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 13 November 2013

Present

Councillor Barrie (Convener), Blacklock (Vice-Convener), Aitken, Booth (substituting for Councillor Burgess), Gardner, Bill Henderson, McVey (substituting for Councillor Cairns) and Redpath.

1. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

2. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982

Details were provided of 8 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

3. Police Comments and Requests for Suspension of Licences

The Head of Service, Services for Communities, advised the Sub-Committee of letters of comment and requests for suspension of Licences from the Chief Constable.

Decision

That the requests be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Head of Service, Services for Communities, submitted.)

Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 15 November 2013

Present

Councillor Barrie (Convener), Blacklock (Vice Convener), Aitken, Gardner, Bill Henderson, Heslop, Lewis (substituting for Cairns), Main (substituting for Burgess) and Redpath.

1. Request for Fee Reduction – Market Operator Licence

Details were provided of an application by Victoria Macdonald on behalf of Edinburgh Markets for a reduction of the fee paid for an annual market operator licence for the 'St Mary's Market' to be held in the space outside St Mary's Metropolitan Cathedral, Top of Broughton Street.

Decision

To refuse the request for a reduction of the market operators fee.

(Reference: report by the Head of Service, Community Safety, submitted)

2. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 39 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in Appendix 1 to this minute.

(Reference – list of applications, submitted.)

Declarations of Interest

Councillors Gardner and Redpath declared a non financial interest in agenda item 6.1.7 as they knew one of the objectors and left the room and took no part in consideration of that item.

3. Cinemas Act 1985- Variation of Licensing Conditions – BAFTA Scotland Cinema Audience Award

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions to vary the licensing conditions of the Cinema licence.

Decision

To note the action by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 3.1, to approve the variation of licensing conditions to screen uncertificated films for the BAFTA Scotland Cineworld Audience Award at Cineworld Edinburgh between 20 – 29 October 2013.

4. Variation of Street Traders Licence: James Stevens, Trading as Café Renee

The Convener ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order that it be considered timeously.

Details were provided of a request to vary the street trader licence for Café Renee on the Mound, to extend the hours of operation to 8.00 pm daily, for the period 22 November 2013 to 5 January 2014.

Decision

To grant the variation of licence subject to the Council's Standard Conditions for this category of licence.

(Reference: report by the Head of Service, Community Safety, Tabled)

5. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

6. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 12 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

APPENDIX 1

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item No 6.1.1 Dorathea McAreavey 2F2 28 London Street EH3 6NA	4 Occupants	To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1.2 Aileen Nellas Cuthbertson 2F2 40 Learmonth Crescent EH4 1DE	3 Occupants	To repel the objection and authorise the Director of Services for Communities to grant the renewal of licence subject to the Council's Standard Conditions for this category of licence when the outstanding work had been completed to his satisfaction.
Item No 6.1.3 Fenner Austin 3F2 13 Annandale Street EH7 4AW	5 Occupants	To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1.4 David, Gail and Rachel Nuttall 3F1 13 Fredrick Street EH2 2EY	4 Occupants	To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1.5 Grant Investment 2F2 11 Jamieson Place EH6 8NZ	3 Occupants	To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1.6 New Caledonian Properties Limited 2F1 70 Strathearn Road EH9 2AF	4 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.

Item No 6.1.7 Pam and Brian Roberts Flat 3 12 Tower Place EH6 7BZ	3 Occupants	To repel the objections and grant the renewal licence subject to the Council's standard conditions for this type of licence.
Item No 6.1.8 Julie Wilson 3F1 34 Kirk Street EH6 5EZ	5 Occupants	To repel the objection and authorise the Director of Services for Communities to grant the renewal licence subject to the Council's Standard Conditions for this category of licence when the outstanding work had been completed to his satisfaction.
Item No 6.1.9 Khawja Ajbar Mir 46 Ferry Road EH6 4AE	25 Occupants	To repel the objection and to grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item 6.1.10 Andrew and Gabrielle Murphy 3F2 1 Alva Street EH2 4PH	4 Occupants	To repel the objection and authorise the Director of Services for Communities to grant the renewal of licence subject to the Council's Standard Conditions for this category of licence when the outstanding work had been completed to his satisfaction.
Item No 6.1.11 Georg Van Heyer 1 Duddingston Crescent EH15 3AS	17 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1.12 Andrew George Norval 3F2 9 Mertoun Place EH11 1JU	3 Occupants	To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.

Item No 6.1.13 Benny Yadgrian Rose Street outside the fourth window of Triodos Bank premises near Hanover Street	N/A	To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item 6.1.14 Veronese Giancarlo South St David Street	N/A	To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item No 6.1.15 Veroneese Giancarlo Corner of Waverley Bridge at the Junction with Princes Street		To grant the licence subject to the Council's Standard Conditions for this category of licence and provided the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.
Item 6.1.16 Phillip Paterson Meadow Place Edinburgh		1. To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. To add a further condition to ensure stall is removed from location at the end of each day
Item No 6.1.17 Bonnie Scotland Promotions Limited NCP Car Park 38 Castle Street Edinburgh	180 stalls approximately	1. To note the application had been withdrawn 2. To refund the application fee paid 3. The Director of Services for Communities to report on options for a fee structure for car boot sales

<p>Item No 6.1.18 Cheque Centre Limited Second Hand Dealers Licence (Renewal) 6A Parkhead Gardens EH11 4SQ</p>		<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. Also subject to the following additional conditions recommended by the Chief Constable : <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 3 months old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years.
<p>Item No 6.1.19 Cheque Centre Limited Second Hand Dealers Licence (Variation) 6A Parkhead Gardens EH11 4SQ</p>	<p>Change of Manager to Gillian Cuthbert (Regional Manager)</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)
<p>Item No 6.1.20 Cheque Centre Limited Second Hand Dealers Licence (Renewal) 681 Ferry Road EH4 2TX</p>	<p>23.00 – 00.00 daily</p>	<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. Also subject to the following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 3 months old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years.

<p>Item No 6.1.21 Cheque Centre Limited Second Hand Dealers (Variation) 681 Ferry Road EH4 2TX</p>	<p>Change of Manager to Gillian Cuthbert (Regional Manager)</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)
<p>Item No 6.1.22 Cheque Centre Limited Second Hand Dealers (Renewal) 212 Gorgie Road EH11 2PN</p>	<p>N/A</p>	<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. Also subject to the following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 3 months old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years.
<p>Item No 6.1.23 Cheque Centre Limited Second Hand Dealers Licence (Variation) 212 Gorgie Road EH11 2PN</p>	<p>Change of Manager to Gillian Cuthbert (Regional Manager)</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)

<p>Item No 6.1.24 Cheque Centre Limited Second Hand Dealers Licence (Renewal) 36 Great Junction Street EH6 5LA</p>		<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. Also subject to the following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 3 months old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years.
<p>Item No 6.1.25 Cheque Centre Limited Second Hand Dealers Licence (Variation) 36 Great Junction Street EH6 5LA</p>	<p>Change of Manager to Gillian Cuthbert (Regional Manager)</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)
<p>Item No 6.1.26 Cheque Centre Limited Seond Hand Dealers Licence (Variation) 14 Home Street EH3 9LY</p>	<p>Change of Manager to Gillian Cuthbert (Regional Manager)</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)

<p>Item No 6.1.27</p> <p>Cheque Centre Limited Second Hand Dealers Licence (Renewal)</p> <p>218 Morrison Street</p> <p>EH3 8AE</p>		<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. Also subject to the following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 3 months old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years.
<p>Item No 6.1.28</p> <p>Cheque Centre Limited Second Hand Dealers Licence (Variation)</p> <p>218 Morrison Street</p> <p>EH3 8AE</p>	<p>Change of Manager to Gillian Cuthbert (Regional Manager)</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)
<p>Item No 6.1.29</p> <p>Cheque Centre Limited Second Hand Dealers Licence (Renewal)</p> <p>90 Nicolson Street</p> <p>EH8 9EW</p>		<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. Also subject to the following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 3 months old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years.

<p>Item No 6.1.30 Cheque Centre Limited Second Hand Dealers Licence (Variation) 90 Nicolson Street EH8 9EW</p>	<p>Change of Manager to Gillian Cuthbert (Regional Manager)</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)
<p>Item No 6.1.31 Cheque Centre Limited Second Hand Dealers Licence (Renewal) 134 Portobello High Street EH15 1AH</p>		<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. Also subject to the following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 3 months old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years.
<p>Item No 6.1.32 Cheque Centre Limited Second Hand Dealers Licence (Variation) 134 Portobello High Street EH15 1AH</p>	<p>Change of Manager to Gillian Cuthbert (Regional Manager)</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)

<p>Item No 6.1.33 Cheque Centre Limited Second Hand Dealers Licence (Renewal) Cheque Centre Unit 22 Westside Plaza Shopping Centre EH14 2SW</p>		<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. Also subject to the following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 3 months old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years.
<p>Item No 6.1.34 Cheque Centre Limited Second Hand Dealers Licence (Variation) Cheque Centre Unit 22 Westside Plaza Shopping Centre EH14 2SW</p>	<p>Change of Manager to Gillian Cuthbert (Regional Manager)</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)

<p>Item No 6.1.35 GrayPaul Motors T/A GrayPaul Edinburgh Second Hand Dealers Licence - Exemption 8 Whitehill Road EH15 3HR</p>	<p>Exemption from the requirement to keep goods for 48 hours</p>	<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. To grant the exemption in terms of Section 25 of the Civic Government (Scotland) Act 1982 from the requirement to keep goods for at least 48 hours from the time of acquisition for a period of six months subject to the following additional conditions recommended by the Chief Constable: <p>All vehicles being purchased must be subject to the following:</p> <ul style="list-style-type: none"> (i) An HPI check (ii) A mileage check if required (iii) A V5 registration document to be checked (iv) MOT document being checked against VOSA system (v) Verification of the vehicle against all checks undertaken (vi) The seller or purchaser of any goods covered by the licence to confirm their identity with two original proof of ID, one of which must be photographic (vii) All CCTV records are properly maintained and made available for inspection on request by the police or Council.
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<p>Item No 6.1.36 Synter Cars Ltd T/A Porsche Centre Edinburgh Second Hand Dealers - Exemption 8 Whitehill Road EH15 3HR</p>	<p>Exemption from the requirement to keep goods for 48 hours</p>	<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. To grant the exemption in terms of Section 25 of the Civic Government (Scotland) Act 1982 from the requirement to keep goods for at least 48 hours from the time of acquisition for a period of six months subject to the following additional conditions recommended by the Chief Constable <p>All vehicles being purchased must be subject to the following:</p> <ul style="list-style-type: none"> (i) An HPI check (ii) A mileage check if required (iii) A V5 registration document to be checked (iv) MOT document being checked against VOSA system (v) Verification of the vehicle against all checks undertaken (vi) The seller or purchaser of any goods covered by the licence to confirm their identity with two original proof of ID, one of which must be photographic (vii) All CCTV records are properly maintained and made available for inspection on request by the police or Council.
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<p>Item No 6.1.37 Ron Stratton & Co Ltd T/A Bentley Edinburgh Second Hand Dealers Licence - Exemption 8 Whitehill Road EH15 3HR</p>	<p>Exemption from the requirement to keep goods for 48 hours</p>	<ol style="list-style-type: none"> 1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2 To grant the exemption in terms of Section 25 of the Civic Government (Scotland) Act 1982 from the requirement to keep goods for at least 48 hours from the time of acquisition for a period of six months subject to the following additional conditions recommended by the Chief Constable <p>All vehicles being purchased must be subject to the following:</p> <ol style="list-style-type: none"> (i) An HPI check (ii) A mileage check if required (iii) A V5 registration document to be checked against VOSA system (iv) MOT document being checked against VOSA system (v) Verification of the vehicle against all checks undertaken (vi) The seller or purchaser of any goods covered by the licence to confirm their identity with two original proof of ID, one of which must be photographic (vii) All CCTV records are properly maintained and made available for inspection on request by the police or Council.
<p>Item No 6.1.38 Faisal Rashid Late Hours Catering - 1 Year Licence (Renewal)</p>	<p>3 – 5a Sciennes, Edinburgh EH9 1NH (The Codfather)</p>	<p>To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and a further condition that all amplified music and vocals be controlled to the satisfaction of the Director of Services for Communities.</p>

<p>Item No 6.1.39 Ban Sabai Limited Public Entertainment Commercial Operation Licence (Renewal)</p>	<p>Castle Thai Spa 9A Castle Street Edinburgh EH2 3AH</p>	<p>To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and subject to the following additional conditions recommended by the Chief Constable.</p> <ol style="list-style-type: none"> 1. The licence holder will ensure that no other activities shall take place on the premises other than those described on the licence 2. The licence holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted 3. Persons under the age of eighteen years shall only be permitted access to the waiting area of the premises 4. The premises will not be used as a place of residence 5. No alcohol will be consumed on the premises 6 The sauna should be in good working order
<p>Tabled Item - Application for Variation of Street Traders Licence; James Stevens, trading as Café Renee</p>	<p>The Mound</p>	<p>To grant the variation of licence subject to the Council's Standard Conditions for this category of licence.</p>

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 11 December 2013

Present

Councillor Barrie (Convener), Blacklock (Vice-Convener), Aitken, Main (substituting for Councillor Burgess), Gardner, Bill Henderson, Heslop and Redpath.

1. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

2. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982

Details were provided of 16 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

3. Medical Reports

The Head of Service, Services for Communities, advised the Sub-Committee of adverse reports from the Council's Medical Advisor in regard to licence holders which he had referred to the Sub-Committee for consideration.

Decision

That the reports be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Head of Service, Services for Communities, submitted.)

4. Police Comments and Requests for Suspension of Licences

The Head of Service, Services for Communities, advised the Sub-Committee of letters of comment regarding licence holders and reports requesting suspension of Licences from the Chief Constable and the Head of Community Safety.

Decision

That the requests and reports be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Head of Service, Services for Communities, submitted.)

Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 13 December 2013

Present

Councillor Barrie (Convener), Blacklock (Vice Convener), Aitken, Gardner, Bill Henderson, Heslop and Redpath.

1. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 14 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in Appendix 1 to this minute.

(Reference – list of applications, submitted.)

Declarations of Interest

Councillor Barrie declared a financial interest in agenda item 6.1.4 as he had rented property managed by the same agent, he left the room and took no part in consideration of the item.

2. Use of Emergency Powers to Grant an Indoor Sports Entertainment Licence For an Indoor Boxing Event: 1 December 2013

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions to grant an application for an indoor sports entertainment licence for an indoor boxing event to be held on 1 December 2013.

Decision

To note the action by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 3.1, to grant a Temporary Indoor Sports

Entertainment Licence for an indoor Boxing Event on 1 December 2013 in the Edinburgh Masonic Club, 1 Shrub Place Lane, Edinburgh.

(Reference – report by the Head of Service, Community Safety, submitted)

3. Application for Temporary Market Operators Licence, Unique Events, Various City Centre Sites 31 December 2013 to 1 January 2014

The Convener ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency as a decision was required at this meeting

Details were provided of an Application for a Temporary Market Operators Licence, by Unique Events for Various City Centre Sites for the period 31 December 2013 to 1 January 2014

The applicant was heard

Decision

1. To grant the application, subject to standard conditions for this type of licence.
2. To note the undertaking of the applicant that future applications would be lodged timeously.

(Reference: application, tabled)

4. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

5. Private Rented Sector Tenancy Management Report

At the Licensing Sub-Committee meeting on 16 August 2013 the committee granted an HMO Renewal licence for a property in Edinburgh. However the committee were concerned about the licence holder's approach to managing the tenancies of his properties and requested the Director of Services for Communities to provide a report on the applicant's tenancy management practices.

The licence holder advised that he had now appointed a property management company and that they would deal with the day to day management of all his properties

Decision

1. To note the report and take no further action subject to
2. The Acting Head of Housing and Regeneration to confirm that a managing agent had been appointed.

(Reference – report by the Acting Head of Housing and Regeneration)

6. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 9 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

7. Request For Immediate Suspension of Taxi Driver Licence

Details were provided of action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Terms of Reference and Delegated Functions 3.1 to suspend a taxi driver's licence with immediate effect on the grounds that the licence holder had a medical condition which could put public safety at risk.

The Community Safety Manager advised that the licence holder had now been declared fit to drive by the Council's medical Advisor

Decision

1. To note the action by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 3.1 to suspend the licence with immediate effect on medical grounds.
2. To recall the suspension.

(Reference – report by the Head of Service, Community Safety)

APPENDIX 1

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item No 6.1(1) - Application for a House in Multiple Occupation Licence - Claire Chalmers -Watson - 53(1F1) Spottiswoode Street	4 Occupants	<ol style="list-style-type: none"> 1. To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence. 2. To accept the objections submitted outwith the statutory period
Item No 6.1(2) - Application for a House in Multiple Occupation Licence - Steven Teague - 51(2F2) Lauderdale Street	6 Occupants	To repel the objection and authorise the Director of Services for Communities to grant the licence subject to the Council's Standard Conditions for this category of licence
Item No 6.1(3) - Application for a House in Multiple Occupation Licence - Kwai heung Siu - 4(1F4) Rosebank Grove	4 Occupants	<ol style="list-style-type: none"> 1. To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2. The Director of services for Communities to arrange for a further noise study / test on the door closers to be carried out. 3. Should any further work be required by the Director following the test this to be completed by 31 January 2014.
Item No 6.1(4) - Application for a House in Multiple Occupation Licence - Horsburgh Murray Partnership - 43(1F1) Ashley Terrace	4 Occupants	To continue consideration of the matter for the Director of Services to carry out monitoring and report back to the Licensing Sub-Committee on 7 March 2014

Item No 6.1(5) - Application for a Market Operators Licence - Unique Events Ltd - West Parliament Square	Torchlight procession West Parliament Square Edinburgh	To grant the licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1(6) - Application for a Market Operators Licence - Grassmarket Area Traders Association - Grassmarket	To trade from 28 December to 2 January 2014	To note the application had been withdrawn
Item No 6.1(7) - Application for a Street Trader Licence - Neil Moodie - Middle Meadow Walk	Standard	To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item No 6.1(8) - Application for a Street Trader Licence - Honorata Mroczkowska - 30 Inglis Green Road	N/A/	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence and subject to satisfactory examination of the vehicle.
Item No 6.1(9) - Application for a Street Trader Licence - Jozsef Huszti - North Meadow Walk	N/A	To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item No 6.1(10) - Application for a Street Trader Licence - Gilroy Leisure Limited - George IV Bridge	N/A	To note that the application had been withdrawn.

Item No 6.1(11) - Application for a Second Hand Dealer Licence - Syed HHussan Zahid - 15 Bonnington Road Lane	N/A	<ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence. 2. The existing licence to be surrendered by 12 Noon on 31 December 2013 3. The current licence holder to take no part in the running of the business 4. To authorise the Director of Services for Communities to refuse the application in terms of Paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982 if the existing licence had not been surrendered by 12 Noon on 31 December 2013.
Item No 6.1(12) - Application for a Second Hand Dealer Licence - CEX Ltd - 19B Rose Street	N/A	To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1(13) - Application for a Second Hand Dealer Exemption Licence - CEX Ltd - 19B Rose Street	N/A	To refuse the exemption.
Tabled – Temporary Market Operator's Licence – Unique Events Edinburgh's Hogmany		<ol style="list-style-type: none"> 1. To grant the application, subject to standard conditions for this type of licence. 2. To note the undertaking of the applicant that future applications would be lodged timeously.

Regulatory Committee

2.00pm, Monday, 3 February 2014

Representations to the Dreghorn Loan (Polofields) Road Construction Consent (ED/13/0013)

Item number	7.1
Report number	
Ward	8 – Colinton/Fairmilehead

Links

Coalition pledges	P8
Council outcomes	C19
Single Outcome Agreement	SO4

Mark Turley

Director of Services for Communities

Contact: Alex Paterson, Senior Professional Officer, Transport Planning

E-mail: alex.paterson@edinburgh.gov.uk | Tel: 0131 529 3515

Executive summary

Representations to the Dreghorn Loan (Polofields) Road Construction Consent (ED/13/0013)

Summary

Twelve Representations have been received from residents on Dreghorn Loan to the Road Construction Consent ED/13/0013.

Recommendations

That the Regulatory Committee set aside the representations and proceed to issue the road construction consent (ED/13/0013).

Measures of success

Not applicable.

Financial impact

There are no financial implications with this report.

Equalities impact

The road has been designed in accordance with approved Council standards, including *Designing Streets*, and provides segregated facilities for pedestrians over its length. The scheme has been subject to an independent road user safety audit and all issues have been appropriately addressed.

Sustainability impact

Sustainability issues in respect of this housing development were considered when the application was examined by the Head of Planning. However, the construction of the roads to a standard suitable for adoption onto the Council's list of public roads, ensures that the new road assets are sustainable and, as such, future maintenance liabilities to the Council are minimised.

Consultation and engagement

In accordance with the provisions of the Roads (Scotland) Act 1984 neighbour notification was carried out by the developer on 11 July 2013.

Councillor J Rust met with a Council official on Friday 6 September 2013 to keep him apprised of the ongoing situation with Dreghorn Polofields.

Background reading/external references

Appendix 1 – Summary of Representations and Council response

Appendix 2 – Copy of the Reporter's report in respect of planning appeal

Appendix 3 – Safety Audit report

Appendix 4 – Plans showing the proposed layout of the revised junction

Appendix 5 – Plan showing refuse vehicle turning area.

Background Documents – full letters of representation from the residents

Representations to the Dreghorn Loan (Polofields) Road Construction Consent (ED/13/0013)

1. Background

- 1.1 Dreghorn Loan (Polofields) is a tract of land owned by the Ministry of Defence. It has been the subject of various planning applications over a number of years. The land lies on the south of the city in the Colinton area and is bounded to the south by the City Bypass and the Pentland Hills, Dreghorn Barracks to the east and the Bonaly Burn and the Bonaly residential estate to the west.
- 1.2 The proposed development consists of residential units, including a percentage of affordable housing together with open space, tree planting, access road, enhancement of existing pedestrian routes and other ancillary works.
- 1.3 An application to the Council for planning permission in principle (10/00697/PPP) was submitted by Miller Homes and Taylor Wimpey on 17 March 2010. This application was refused by the Development Sub Committee on 25 June 2010.
- 1.4 This decision was submitted for appeal, to the Scottish Government, by the appellants and a hearing took place on 23–24 March 2011 in Fairmilehead Parish Church, Frogston Avenue, Edinburgh. The hearing also included an accompanied site visit.
- 1.5 The Reporter, appointed by the Scottish Ministers, granted planning consent on 1 September 2013 for the development including the access road. (See Appendix 2, Para 35 - Copy of the Reporter's report).
- 1.6 At its meeting of 4 December 2013, the Development Management Sub of the Planning Committee granted planning application 13/02929/AMC for this site. The application considered approval of matters specified in conditions in the planning permission in principle application, granted by the Reporter (10/00697/PPP).
- 1.7 A Road Construction Consent (RCC) application was submitted by Miller Homes, for the access road, up to the edge of the development, on 11 July 2013 (ED/13/0013). The consent application also includes a new bridge over the Bonaly Burn.

- 1.8 The adjacent land owners were notified of the RCC for the access road to the development on 11 July 2013.
- 1.9 An RCC is a statutory requirement of Section 21 of the Roads (Scotland) Act 1984. It is a separate procedure from planning application consent which is covered by the Town and Country Planning (Scotland) Act 1997.
- 1.10 A valid objection to an RCC is one relating to the fabric of the road - ie types of construction (asphalt or slabs), road drainage and street lighting. The layout, flooding, landscaping, transport assessment are considered at the planning stage.
- 1.11 Should the RCC be refused, the applicant has the right to appeal this decision to the Scottish Ministers.

2. Main report

- 2.1 Twelve representations to the Road Construction Consent were received by the Council within the 28 day objection period as specified in the Roads (Scotland) Act 1984. The primary representations were as follows:
 - a) Concerns about flooding at the existing Laverockdale Bridge and the new bridge and possible access difficulties resulting from these flooding events.
 - b) Concerns about the design of the new bridge/culvert over the Bonaly Burn.
 - c) Road Safety concerns in respect of the junction at Dreghorn Loan/Laverockdale Crescent and the development access.
 - d) Concerns regarding connection of the various private driveways to the new road.
 - e) Concerns in respect of refuse vehicle servicing of existing properties in Dreghorn Loan.
- 2.2 Appendix 1 contains a summary of the representations.
- 2.3 Flooding issues (2.1a) were considered to the satisfaction of the Council during consideration of the planning application. They were also considered by the Reporter, and he indicated in his report granting the appeal that '*I am satisfied that there are no other infrastructural issues which indicate that the site should not be developed The Scottish Environment Protection Agency is satisfied with the Flood Risk Assessment prepared on behalf of the appellants*' (Appendix 3, Paragraph 35). General flooding issues have therefore been discharged and it is not appropriate to revisit these as part of the consideration of the RCC application.

- 2.4 The impact of the watercourse flooding the new bridge to support the proposed road, however, is a relevant RCC matter (2.1b). Supporting information submitted by the applicant has been assessed and is considered to be satisfactory. In this context the design is fit for purpose and is acceptable to be adopted, in due course, by the Council.
- 2.5 The representations raised a number of safety concerns at the new junction at Dreghorn Loan and in relation to maintaining safe access to private driveways (2.1c and 2.1d). The Reporter was satisfied *‘that the site can be accessed safely’* (Appendix 2, Paragraph 35).
- 2.6 However, to address the concerns raised in the representations, the Council requested the developer to review and refine the design and road safety audit. Specifically the footway outside number 50 Dreghorn Loan has been retained and details showing how driveways connect to the new road have been provided. These amended plans of the junction and accesses are shown in Appendix 4 to the report.
- 2.7 The Road Safety Audit (RSA) report has been reviewed in light of the amended drawings and is considered acceptable. The new access road includes both vertical (road humps) and horizontal (road narrowing) in conformance with those required for a mandatory 20mph speed limit and the amended junction includes the addition of a raised table. As per *Designing Streets* a minimum visibility splay of 2.4 metres by 22 metres is required where side roads join main roads where speeds of 20mph speeds are anticipated. Appendix 4 indicates that a visibility splay of 2.4 metres by 27.8 metres is provided. It is intended to place a condition on any consent to be issued that speed monitoring is carried out by the developer once the units are occupied. If the recorded speeds indicate they are in excess of those predicated, additional traffic calming will be installed at no cost to the Council. It is also intended to monitor parking in the vicinity of the new junction and, if required, a Traffic Regulation Order for the introduction of appropriate waiting restrictions will be promoted, and installed, at no cost to the Council.
- 2.8 A temporary turning head will be provided at the end of phase 1 (Main Report item 2.1e). The turning head is designed to accommodate standard refuse collection vehicles as shown in Appendix 5.

Conclusion

- 2.9 The road to be provided to the development, including the bridge to support it as it passes over the Bonaly burn, is acceptable for addition, in due course, to the Council's List of Public Roads.

3. Recommendations

- 3.1 That the Regulatory Committee set aside the representations and proceed to issue the road construction consent (ED/13/0013).

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P8 - Make sure the city's people are well-housed, including encouraging developers to build residential communities, starting with brownfield sites.
Council outcomes	C19 - Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards
Single Outcome Agreement	SO4 - Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1 – Summary of Representations and Council response Appendix 2 – Copy of the Reporter's report in respect of planning appeal Appendix 3 – Safety Audit report Appendix 4 – Plans showing the proposed layout of the revised junction Appendix 5 – Plan showing refuse vehicle turning area.

APPENDIX 1a

THE CITY OF EDINBURGH COUNCIL ROAD CONSTRUCTION CONSENT ED/13/0013

OBJECTIONS TO ROAD CONSTRUCTION CONSENT

NAME	SUMMARY OF OBJECTIONS	SUMMARY OF COUNCIL RESPONSES
Objectors – Group 1	<p>1 The Roadway fails to meet Scottish Planning Policy paragraph 204 and the Council's own stated Planning requirements relating to this particular access.</p> <p>1.1 Use of old road for emergency services</p> <p>1.1.1 Laverockdale bridge historic flooding.</p>	<p>1.1 Whilst, during the planning appeal in 2005 it was indicated by the attending Transport Officer that the existing private road could serve as an alternative access to the new housing, the existing private road is not <u>required</u> as an emergency access. The council's Movement and Development guidelines indicate that up to up to 200 houses served by a general access road is acceptable. The new development is for around 80 houses and 10 existing properties will be accessed from the new road. The temporary turning head on the new road at the southern end of the new road will be removed when the development is complete and will be designed to prevent vehicular access.</p> <p>1.1.1 Flooding issues were addressed at Planning stage to satisfaction of the Reporter. As the existing private road and bridge are not <u>required</u> as a secondary or emergency access for the development this is not relevant to RCC.</p>

	<p>1.1.2 Weight limit/weak sewer on private access.</p> <p>1.2 Transport Officer aware of lack of compliance of new roadway in 2010 (due to inability of existing private road to provide emergency access to development site)</p> <p>1.3 Flooding of existing private road</p>	<p>1.1.2 As existing private road and bridge not <u>required</u> as an emergency access this is not relevant to RCC.</p> <p>1.2 As existing private road and bridge not <u>required</u> as a secondary or emergency access this is not relevant to RCC.</p> <p>1.3 Flood issues addressed at Planning stage to satisfaction of the Reporter. As existing private road and bridge are not required as a emergency access this is not relevant to RCC.</p>
	<p>2 Inadequate information/quality of information being submitted by the developer's consultants in respect of road safety and flooding risk pertinent to the planning process, RCC and adoption of bridge.</p> <p>2.1 Road Safety Audits</p> <p>2.1.1 Existing private road (shared driveway) access</p> <p>2.1.2 Landscaping</p>	<p>2.1.1 The junction of the private road with the new road has been amended with an additional speed table at the junction. The visibility requirements are compliant for a junction with a road designed in conformance with 20mph standards.</p> <p>2.1.2 Foliage can be shaped/cleared to maintain Sightlines.</p>

	<p>2.1.3 Emergency vehicles</p> <p>2.1.4 Swept path analysis</p> <p>2.1.5 Cyclists</p> <p>2.2 Flooding risk</p> <p>2.2.1 Developer has failed to provide reasonable data for flooding risk assessments</p> <p>2.2.2 In initial planning process SEPA not supplied with key information</p> <p>2.2.3 Developer has failed to take reasonable steps to obtain SEPA requested survey data</p>	<p>2.1.3 The designs of new road caters for access by emergency vehicles.</p> <p>2.1.4 Refuse vehicle swept path at temporary turning head indicated in attached drawing. The existing collection point will be accessed from the new road and refuse vehicles will turn at this point. As the housing development proceeds the turning head will be relocated further into in the development.</p> <p>2.1.5 It is envisaged that cyclists will utilise the new adopted roads and not continue to use the private road.</p> <p>2.2.1 Flood issues addressed at Planning stage to satisfaction of the Reporter. Not a relevant RCC consideration.</p> <p>2.2.2 Flood issues addressed at Planning stage to satisfaction of the Reporter. Not a relevant RCC consideration.</p> <p>2.2.3 Flood issues addressed at Planning stage to satisfaction of the Reporter. Not a relevant RCC consideration.</p>
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	<p>2.2.4 Developers flooding consultant failed to appreciate/ ignored the unique characteristics of the catchment.</p> <p>2.2.5 Limit hydraulic modelling</p> <p>2.2.6 SEPA disclaimer</p>	<p>2.2.4 Flood issues addressed at Planning stage to satisfaction of the Reporter. Not a relevant RCC consideration.</p> <p>2.2.5 Flood issues addressed at Planning stage to satisfaction of the Reporter. Not a relevant RCC consideration.</p> <p>2.2.6 Flood issues addressed at Planning stage to satisfaction of the Reporter. Not a relevant RCC consideration.</p>
	<p>3 Our own analysis raises serious issues with road safety at the proposed junction</p> <p>3.1 Unacceptable intervisibility</p> <p>3.1.1 Below standard intervisibility private access onto Drehorn Loan</p> <p>3.1.2 Below acceptable standards intervisibility pedestrians and cyclists.</p>	<p>3.1.1 The junction of the private road with the new road has been amended with an additional speed table at the junction and the visibility requirements are compliant for a junction with a road designed in conformance with 20mph standards.</p> <p>3.1.2 The junction of the private road with the new road has been amended with an additional speed table and the change in surface material/colour and enhanced road markings will highlight potential conflict with cyclists.</p>

	<p>3.2 Below standards signage on private driveway (road)</p> <p>3.3 Skid risk on private driveway (road)</p> <p>3.4 Inadequate safe access for refuse collection vehicle</p> <p>3.5 Use of contrasting coloured material at junction and removal of pavement creates a potential for misinterpretation of a shared surface with attendant safety dangers</p> <p>3.6 Inadequate lighting</p>	<p>3.2 Appropriate measures have been taken in respect of junction with new road. Private road not part of RCC and responsibility for any signs on this remains with owners of this road.</p> <p>3.3 Private driveway not part of RCC and responsibility for winter maintenance on this remains with owners of this road.</p> <p>3.4 Refuse vehicle swept path at temporary turning head indicated in attached drawing. The existing collection point will be accessed from the new road and refuse vehicles will turn at this point. As the housing development proceeds the turning head will be relocated further into in the development.</p> <p>3.5 Shared surfaces are promoted by the Scottish Government's policy document "Designing Streets". The layout has been amended and the separate footway outside no 50 Dreghorn Loan is being retained. The use of contrasting material at raised junctions has been used extensively throughout the city for a number of years and there is no recorded road collision problem associated with this layout.</p> <p>3.6 Lighting design will accord to Council's standards and existing lighting column will be relocated appropriately.</p>
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	<p>4 Flooding planning condition cannot be engineered without compromising pedestrian safety.</p>	<p>4 Flood issues addressed at Planning stage to satisfaction of the Reporter. Not a relevant RCC consideration.</p>
	<p>5 Bridge and bellmouth not suitable for adoption</p> <p>5.1 Bridge proposals</p> <p>5.1.1 Insufficient design for 1 in 200 year flood</p> <p>5.1.2 Dangerous design – onerous maintenance</p> <p>5.2 Roadway at bellmouth junction</p>	<p>5.1 Bridge design calculations approved by relevant professional officer in Roads Authority and bridge certified as suitable for adoption.</p> <p>5.1.1 Bridge design has been certified as catering for 1 in 200 year flood.</p> <p>5.1.2 The approved design takes account of general maintenance provision.</p> <p>5.2 Bellmouth at junction is temporary and will be removed after construction.</p>
	<p>6 No provision for refuse/recycling bin collection, which will be lost with proposed road construction</p>	<p>6 Refuse bins can be situated in non trafficked areas on retained adopted footway in vicinity of new junction and/or at temporary turning area for vehicles at end of new road provided. If required a lay by will be provided for this purpose when the temporary turning head is removed.</p>

	<p>7 Non compliance/inadequate compliance with recommendations in stage 1 road safety audit shown in RCC drawings-</p> <p><i>‘Consideration should be given to provision of a wider 2.0 m footway’</i></p> <p><i>‘The needs of pedestrians and those with mobility difficulties should be considered in the design. This may require the provision of a handrail and landing areas on this steep section of footway’.</i></p> <p><i>‘It is recommended that the design of the access includes an area for residents to store refuse bins on collection days’</i></p>	<p>Has been considered and assessed as not required. The councils current approved standards (<i>Movement and Development</i>) permit local narrowing below 2.0m to a minimum width of 1.4 metres. In this instance the narrowing to 1.5 m over a length of 10 metres is considered acceptable.</p> <p>Has been considered and assessed as not required. The councils current approved standards (<i>Movement and Development</i>) permits a gradient of up to 8% as provided on this short section of footway.</p> <p>Has been considered and accommodated. Redesign of junction to now retain area of adopted footway in front of no 50 Dreghorn Loan provides an additional collection day storage area.</p>
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APPENDIX 1b

THE CITY OF EDINBURGH COUNCIL ROAD CONSTRUCTION CONSENT ED/13/0013

OBJECTIONS TO ROAD CONSTRUCTION CONSENT

NAME	SUMMARY OF OBJECTIONS	SUMMARY OF COUNCIL RESPONSES
Objectors – Group 2	<p>1 Road Safety</p> <p>a & b) Vehicle generation from development</p> <p>c) Accidents at existing junction</p>	<p>Addressed in Transport Assessment submitted with Planning Application and accepted by Reporter. Not a relevant Road Construction Consent consideration.</p> <p>No injury accidents have been recorded at existing junction and new road and junction has been subject to an independent stage 2 (design stage) Road Safety Audit (RSA). In accordance with the councils Road Construction Consent guidelines the scheme will be required to have 2 further RSAs completed prior to final acceptance by the Council. Any issues raised in the audits will be reported to the developer, and any issues considered as requiring attention will be rectified by the developer at no cost to the Council.</p>

	<p>2 New Road Design</p> <p>a) Damage during construction</p> <p>b) Lighting</p> <p>c) Parking and access to properties</p>	<p>a) Dilapidation survey will be carried out prior to construction and contractor will be obliged to repair any damage.</p> <p>b) The lighting design conforms to Council standards.</p> <p>c) Access will be retained at all times to existing properties. The requirement for further parking restrictions will be assessed after occupation of the new properties and if deemed necessary and Traffic Regulation Order (TRO) will be promoted to introduce additional waiting restrictions.</p>
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APPENDIX 1c

THE CITY OF EDINBURGH COUNCIL ROAD CONSTRUCTION CONSENT ED/13/0013

OBJECTIONS TO ROAD CONSTRUCTION CONSENT

NAME	SUMMARY OF OBJECTIONS	SUMMARY OF COUNCIL RESPONSES
Objectors – Group 3	1 Concerns regarding removal of separate pavement outside property and use of shared surface at new junction	1 Design changed-footway not now being removed.
	2 Refuse collection for 64-70 Dreghorn Loan. Current requirement for refuse vehicles to reverse into private road will cause disruption at new junction	2 Discussions with Environmental Services have confirmed that following construction of new road refuse vehicles will continue into new development and uplift bins for these properties on way out in forward gear.
	3 Concerns re safety of schoolchildren at new junction	3 The new junction design will result in a safer crossing point for children as the crossing width has been reduced from 8.5 metres to 6.5 metres. The addition of a raised junction will slow exiting vehicles and also improve pedestrian safety at this location.
	4 Visibility of for traffic exiting private road onto the new road	4 Required minimum visibility splay is 2m by 25m. Visibility splay being provided 2.4m by 28.5 m.
	5 Concerns regarding exit from driveway	5 Access to and from driveway maintained in new design. Raised table has been added to ensure that vehicles exiting and entering new road will be doing so at very low speeds.

Appeal: Notice of Intention

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Notice of Intention by Scott M Ferrie, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-230-2041
- Site address: Land 260 metres south of Dreghorn Loan, Edinburgh EH13 0DA
- Appeal by Miller Homes and Taylor Wimpey against the decision by The City of Edinburgh Council
- Application for planning permission in principle 10/00697/PPP dated 17 March 2010, refused by notice dated 25 June 2010
- The development proposed: residential development (including affordable housing provision) and associated open space, tree planting, access road, enhancement of existing pedestrian routes and all ancillary works
- Application drawings: listed in schedule at end of this notice
- Date of hearing session and accompanied site visit by Reporter: 23-24 March 2011

Date of notice: 01 September 2011

Notice of Intention

For the reasons given below I am minded to allow the appeal and grant planning permission in principle subject to the conditions listed below, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, covering the matters listed in paragraph 40 of this notice.

Reasoning

1. The determining issues in this appeal are (i) whether development of the site would comply with development plan policies on housing land, and if not, whether its development would be justified by other material considerations, including national policy and guidance on housing land supply; (ii) whether the site is protected by development plan open space policy, and if not, whether the recreational value of the site indicates that development should be avoided; (iii) whether development of the site would preserve or enhance the character or appearance of the Colinton Conservation Area and preserve the setting of listed buildings; and (iv) whether any other considerations indicate that the site ought to be protected from development.



Housing land policies and the supply of housing land

2. The appeal site is located within the urban area of Edinburgh, as designated on the proposals map of the adopted Edinburgh City Local Plan (2010). It is not therefore, within the green belt, but neither is it specifically allocated for residential development. The council's sole reason for refusal is founded on policy HOU 8 of the Edinburgh and the Lothians Structure Plan (approved in 2004). That policy presumes against new housing development on greenfield sites, other than in stated circumstances. The council contends that none of the stated exceptions apply and that the proposal is therefore contrary to policy HOU 8.

3. Although not referred to in the reason for refusal, it is also the council's contention that the proposal fails to comply with criterion (d) of policy Hou 1 of the local plan, as the proposal is not "compatible with other policies in the Plan". It considers that to be a reference to the development plan as a whole. In that case, it follows that as the proposal is contrary to policy HOU 8 of the structure plan, it must also be contrary to policy Hou 1(d) of the local plan.

4. The appellants' argue that paragraph 3.23 of the structure plan, which immediately precedes policy HOU 8, stresses the importance of restraining housing development outwith urban areas. As the appeal site is within the urban area, it follows that policy HOU 8 does not apply to the appeal site.

5. I do not agree with that interpretation. The first sentence of paragraph 3.23, on which the appellants rely, refers to the need to restrain housing development outwith urban areas and site specific allocations within core development areas. It follows that the policy cannot be reasonably interpreted to refer only to sites outwith the urban area. Even if I am wrong on that, whilst accepting that the plan must be read as a whole, there is nothing explicit, or even implicit, in the wording of policy HOU 8 to suggest that it refers only to sites outwith urban areas. I find that the proposal is therefore, contrary to policy HOU 8 of the structure plan.

6. I am less convinced with the council's interpretation of criterion (d) of policy Hou 1 of the local plan. The glossary contained in the local plan does not define what is meant by "the Plan". However, paragraph 1.12 of the local plan contains guidance on using "the Plan" and clearly relates only to the local plan. I consider that, on a reasonable reading, criterion (d) refers to the other policies of the local plan. If it had meant to refer to policies of the development plan as a whole, that ought to have been stated explicitly. I note that the council did not rely on this interpretation of policy Hou 1(d) in its reason for refusal. I do not in any case consider that a different finding on this matter would materially assist the council's case, as I have already found above that the proposal is contrary to policy HOU 8 of the structure plan and therefore to the development plan as a whole.

7. Policy HOU 10 of the structure plan requires, amongst other things, that the Lothian councils will maintain an effective five year housing land supply. The Annual Housing Monitor 2009, prepared for the Edinburgh and Lothians Structure Plan Joint Liaison Committee, states the five year land supply target for Edinburgh to be 11,706 units. Against that target, the current five year land supply is confirmed as 5,170 units, or 44% of

the target. On the basis of these figures, there is no dispute between the appellant and the council that the current effective land supply is significantly below that required by the structure plan.

8. Policy HOU 10 goes on to state that where a council's contribution to the effective five year supply falls below 90% of its expected contribution, and the shortfall in the Lothian-wide supply is also more than 10%, that council will bring forward additional land. The 2009 housing land monitor states the Lothian-wide shortfall to be 54%.

9. In these circumstances, the council agrees with the appellants that policy HOU 10 is triggered. It points out however, that it is made clear in the policy that the additional land is to be found within the core development areas and/or in the locations specified in policy HOU 9. The latter policy refers to settlements in the west of West Lothian and is clearly not relevant to assessment of this proposal. The appellants, relying principally on paragraph 3.16 read with Schedule 3.1 of the structure plan, contend that the appeal site is, by virtue of its location within either the Edinburgh Urban Fringe or the Rest of Edinburgh Urban Area, located within a core development area.

10. I have only a limited degree of sympathy for the appellants' interpretation of the structure plan on this matter. I consider that paragraph 3.16, read with Schedule 3.1, could lead to some confusion in the identification of the core development areas. I am in no doubt however, that the definitive position on core development areas is set out, under the heading "The Core Development Areas" at paragraphs 2.35 to 2.48. The areas listed in those paragraphs tally precisely with the areas set out in Table 2.1 which follows those paragraphs. I find therefore, that as the appeal site is not located within a core development area, it does not stand to be brought forward under the terms of policy HOU 10.

11. The Court of Session judgement in *Hallam Land Management v The City of Edinburgh Council* was issued following the hearing session held concerning this appeal. By means of a procedure notice I invited the comments of the parties on the implications of that judgement for the consideration of this appeal.

12. The local plan status of the appeal site as such is not affected by the judgement, which deleted criterion (a) of policy Hou 1 of the local plan and consequently an allocation of 400 units at Newcraighall. That means however, that policy HOU 3 of the structure plan, which required an allocation of 400 units in the Edinburgh Urban Fringe, has not been fully implemented.

13. The council advises that, as work is well advanced on the preparation of the new local development plan, it does not intend to progress an alteration to the local plan to fulfil the 400 unit requirement of policy HOU 3. I note however, that the council's Local Development Plan Scheme does not anticipate adoption of the local development plan until the end of 2014. In the meantime, the council has provided no convincing evidence to indicate that there is any reasonable prospect of an effective five year housing land supply, required by policy HOU 10 of the structure plan, being maintained.

14. Paragraph 66 of Scottish Planning Policy (SPP) states that the Scottish Government is committed to increasing the supply of new homes and that the planning system should contribute to raising the rate of new housebuilding by identifying a “generous supply” of land in the right places. Paragraph 75 goes on to state that a “supply of effective land for **at least** 5 years should be maintained **at all times** to ensure a continuing **generous supply** of land for house building” (my emphasis).

15. The appellants state the appeal site to have no physical constraints and to be highly marketable. There is no evidence before me to suggest that the site could not contribute to the effective land supply. I fully recognise that the appeal site is a greenfield site; it is however located within the urban area and outwith the green belt. In the circumstances outlined above, I conclude on this issue that there is a strong case in principle for bringing the appeal site forward for residential development, albeit not consistent with the terms of policy HOU 8 of the structure plan.

16. I now move on to consider whether the other characteristics of the site indicate nevertheless that it ought to be protected from residential development.

Open space and recreational value

17. The majority of the appeal site comprises rough open grassland, crossed in places by informal desire line footpaths. Rights of Way connect Dreghorn Loan with the Pentland Hills to the south and Covenanters Wood to the east. Limited peripheral areas of the site, particularly to the north and the south-west, are wooded. Evidence from the hearing session points to the land not having been actively managed for agricultural purposes, save for periodic grass cutting, during at least the last 20 years.

18. Policy Os 1 of the local plan provides that proposals involving the loss of open space will not be permitted except in stated circumstances. Paragraph 5.5, which precedes that policy, indicates that such open spaces to be protected by policy Os 1 are shown on the local plan proposals map. It is clear from reference to that map that the peripheral wooded areas of the site are protected by policy Os 1 but that the open grassland, which forms the majority of the site, is excluded. The indicative masterplan submitted with the application shows the proposed new housing areas being located within the open grassland areas only. I am therefore satisfied that although policy Os 1 is relevant to the assessment of this proposal, protection is afforded only to those peripheral parts of the site where it is not proposed that new housing would be developed. That could be controlled by means of an appropriate condition.

19. The council explains that the site was not included in its open space audit, and is consequently not protected by policy Os 1, as it consists of agricultural land. Notwithstanding that, I am in no doubt that the site is highly valued as a recreational resource by the local community. That is illustrated by the consistent resistance of the local community, over a number of years, to development of the site, and by community plans for the site.

20. I heard highly conflicting evidence from the appellant and the Colinton Amenity Association (CAA) on the recreational usage of the site. Based on the evidence before me

and what I observed during my accompanied and unaccompanied inspections of the site, I find it likely that the most common use of the site is as a walking route, sometimes with the site as a destination itself, but more often as a through-route to the Pentlands or Covenanters Wood.

21. The appellants argue, and the council agrees, that the proposed development would not interfere with those walking routes, and would certainly not sever them. I agree with the council and the CAA however, that users' experience of the routes would be adversely affected by the proposal. It is obvious that walking through or alongside a residential development would provide a quite different experience than that currently afforded to users. The indicative masterplan shows about a third of the site being retained for open space, principally running down the western site boundary. The appellant contends, and I agree, that careful planning of that area would mitigate the experience to recreational users to a certain degree.

22. Although located outwith the application site, the appellants propose to develop and implement a woodland management scheme to manage and maintain the immediately adjacent Covenanters Wood. I noted during my accompanied site inspection that this extensive area affords considerable opportunities for public access and informal recreational uses, but that lack of maintenance of the woodland and paths currently renders this unattractive or undesirable in certain areas. The management scheme would be substantially in the form of the 2010 Woodland Management Plan submitted as part of the planning application, which includes amongst other things woodland management and regeneration, nature conservation and public access proposals. The appellants have offered to secure those benefits by means of a planning obligation.

23. I conclude overall on this issue that although the proposal would adversely affect users' enjoyment of the appeal site, this would be mitigated to an acceptable level by careful planning of the areas of open space and by implementation of a woodland management scheme for Covenanters Wood. I am satisfied that there is nothing in the development plan or in SPP to lead me to a different finding on this issue.

Conservation area and listed buildings

24. The northern-most part of the site is located within the Colinton Conservation Area. Although the indicative masterplan shows that no dwellings would be built within the conservation area, the site would require to be accessed from Dreghorn Loan through the conservation area.

25. The conservation area character appraisal draws attention to the semi-rural nature of this part of the conservation area. It is characterised by random rubble stone walls, vegetation and open views, in parts, towards the Pentlands. Detailed plans show the line of the access route through this area. An Arboricultural Implication Study submitted by the appellants concludes that the proposed road layout takes due account of the tree cover and that a significant proportion of the tree cover would be retained, including most of those trees which contribute significantly to landscape value.

26. I am satisfied that the route of the proposed access, together with appropriate mitigation measures, would safeguard the character of this part of the conservation area, whilst also retaining substantial screening between the existing built area and the proposed development. Based on this, and on the visually contained nature of the site from the north and north-west, I consider that the proposed development would preserve the character and appearance of the conservation area.

27. The category C(S) Laverockdale Cottage is located within the appeal site, just within the conservation area boundary. A number of other listed buildings are also located outwith but in close proximity to the northern part of the site. These include the category A listed Laverockdale House to the west and the category B listed Dunalistair House to the east. The proposed site access would run between Laverockdale Cottage and Dunalistair House.

28. I am satisfied that the proposed layout and woodland mitigation measures mean that the setting of those listed buildings would not be adversely affected to an unacceptable degree. The visually contained nature of the appeal site also means that built development would not impact unacceptably on the setting of the other adjacent listed buildings. I find that the proposed development would preserve the setting of the listed buildings.

Other considerations

29. The appeal site is located within an Area of Great Landscape Value (AGLV) which is centred on the Pentland Hills to the south of the city by-pass. The site, together with Covenanters Wood and some adjacent land, is located within the only part of the AGLV to extend north beyond the by-pass. The character of the AGLV to the north of the by-pass, due largely to topography, is quite distinct from the larger part of the AGLV to the south. I agree with the council that as the appeal site is enclosed by the by-pass, woodland and adjacent residential areas, the overall character and appearance of the AGLV as a whole would not be damaged by a sensitively designed development on the appeal site. I find therefore, that the proposal would be consistent with policy Env 11 of the local plan.

30. That being said, I found the most striking feature of the appeal site to be the open and expansive views of the Pentlands which it affords, especially when first entering the open grassland area of the site from the north. I do not consider that this issue is of sufficient weight to justify refusal of the proposal, but consider that it will be important for the council to carefully consider the landscape and visual impacts of the detailed proposal when determining any future application for approval of matters specified in conditions.

31. The appeal site, together with Covenanters Wood, is also located within a Local Nature Conservation Site (LNCS). Detailed ecological assessments have been undertaken on behalf of the appellants, including a study on bats submitted following the council's determination of the planning application. Scottish Natural Heritage has not objected to the proposal on nature conservation grounds. I am satisfied that there is no evidence before me that protected species are likely to be disturbed by the proposed development. The council would, of course, have an ongoing duty to safeguard this matter through the assessment of any applications for the approval of matters specified in conditions and through assessment of the Woodland Management Scheme as it is developed.

32. Although the proposal would result in the development of much of the open grassland, it would (by means of the Woodland Management Scheme to be secured by planning obligation) result in the implementation of nature conservation and habitat improvement measures over the wider LNCS. I am therefore, satisfied that the proposal is consistent with policy Env 15 of the local plan.

33. I am satisfied that the visually contained nature of the site means that there is likely to be little direct impact on the residential amenity of surrounding residents. Other than the recreational and open space issues discussed above, the greatest impact is likely to result from increased traffic levels along Dreghorn Loan. Based on the size of the proposed development and the characteristics of the access route along Dreghorn Loan, I do not consider that there would be any significant adverse effect on residential amenity.

34. I am also satisfied that the deployment of suitable noise attenuation measures along the southern site boundary adjacent to the city by-pass would provide an appropriate residential environment within the appeal site.

35. Finally, I am satisfied that there are no other infrastructural issues which indicate that the site should not be developed. The council is content that the appellants' Transportation Assessment indicates that the site can be accessed safely. The appellants have agreed to make a contribution towards the cost of the reconstruction of a bus stop at Laverockdale Crescent and the provision of a real time Bus Tracker information unit at the bus stop, and to contribute to the council's Safer Routes to Schools programme. The Scottish Environment Protection Agency is satisfied with the Flood Risk Assessment prepared on behalf of the appellants. The appellants have agreed to make a contribution to the council in order to alleviate accommodation pressures at Firrhill High School. On that basis the council is content that there are no outstanding issues in regard to school capacity. The proposed planning obligation would also make provision for affordable housing, consistent with policy Hou 7 of the local plan.

36. I conclude that there are no other material considerations which indicate that permission in principle ought to be refused. Although not a determinative factor, I take support in reaching this conclusion that the Reporters who considered objections to the Edinburgh City Local Plan also reached the same conclusion, having undertaken a comparative assessment of sites put forward for development in the Edinburgh Urban Fringe. It is also worthy of note that the council, in refusing permission on greenfield policy grounds, found the proposal to be otherwise acceptable and to be consistent with the policies of the development plan.

Conclusion

37. With reference to the determining issues set out at paragraph 1 above, I conclude that:

- development of the site would not comply with policy HOU 8 of the structure plan, which presumes against new residential development on greenfield sites. There is nevertheless a strong case in principle for development of the site, in the context of

the clearly expressed requirement of Scottish Planning Policy and the structure plan that a five year effective housing land supply be maintained at all times;

- those areas of the site identified for residential development are not protected by the open space policies of the development plan. Notwithstanding that, the proposal would adversely affect users' recreational enjoyment of the appeal site. This would be mitigated to an acceptable level by careful planning of the areas of open space and by implementation of a woodland management scheme for Covenanters Wood;
- the proposed development of the site would preserve the character and appearance of the Colinton Conservation Area and preserve the setting of listed buildings; and
- there are no other considerations which indicate that the site ought to be protected from development.

38. Taking all of the above into account, I am minded to grant planning permission in principle subject to the attached conditions. The conditions largely address the matters covered in the schedule of conditions suggested by the council and the appellant. I have incorporated a number of minor amendments where appropriate. I consider that most of the amendments to the suggested conditions proposed by the CAA go beyond what is reasonable or necessary to appropriately control the proposed development.

39. I have added two further conditions – the first to ensure that no dwelling houses (including their curtilages) are developed within the areas of Open Space shown on the City of Edinburgh Local Plan proposals map, in order to safeguard those areas in accordance with local plan policy and the indicative master plan. The second is of a more technical nature and requires that written notice of the completion of each phase of the development be provided to the council, in accordance with legislative requirements. I am satisfied that the conditions meet the tests for conditions set out in Circular 4/1998: The Use of Conditions in Planning Permissions.

40. In addition, I conclude that a planning obligation should be entered into in order to ensure:

- the provision of affordable housing;
- the provision of a contribution to alleviate accommodation pressures at Firrhill High School;
- a contribution to the council's Safer Routes to School programme, and the cost of reconstruction of a bus stop at Laverockdale Crescent and the provision of a real time Bus Tracker information unit at the bus stop; and
- the preparation and implementation of a Woodland Management Scheme for Covenanters Wood,

all in accordance with the Heads of Terms agreed between the appellants and the council and submitted to the DPEA on 6 April 2011. I am satisfied that those matters could not be safeguarded by means of planning conditions and that they otherwise meet the tests for planning obligations set out in Circular 1/2010: Planning Agreements.

41. I will accordingly defer determination of this appeal for a period of 3 months to enable the relevant planning obligation (either an agreement with the planning authority or a

unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 or such other legal instrument as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the 3 month period, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without a planning obligation.

42. I have considered all other matters raised but find none to lead me to a different conclusion.

Scott M Ferrie

Reporter

Conditions:

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

- a) siting, design, massing and height of the development, including design of all external features and glazing specifications (including acoustic capabilities);
- b) design and configuration of public and open spaces, all external materials and finishes and details of any play equipment;
- c) car and cycle parking, access, road layouts and alignment;
- d) waste management and recycling facilities;
- e) sustainability details;
- f) footpaths and cycle routes;
- g) surface water and drainage arrangements;
- h) site investigation/decontamination arrangements;
- i) hard and soft landscaping arrangements (boundary treatments, tree/plant species, programme of completion and maintenance, woodland management);
- j) phasing programme linking housing delivery and maintenance of landscaping and open space;
- k) existing and proposed services such as cables, pipelines and substations; and
- l) existing and finished ground levels in relation to Ordnance Datum.

Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No dwelling houses, including their curtilages, shall be developed within the areas of Open Space shown on the City of Edinburgh Local Plan proposals map.

Reason: to safeguard areas of open space in accordance with local plan policy and the indicative master plan.

3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building survey, interpretation, conservation, analysis and reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: to ensure that any items of archaeological interest are appropriately recorded and conserved.

4. Bridging solutions for any proposed watercourse crossing(s) within the application boundary shall be designed to leave the bed and banks of the watercourse in a natural state and shall be limited to a single span bridge with deck level above the 1 in 200 year flood level with no abutments/embankments encroaching into the floodplain or channel.

Reason: to mitigate against flood risk.

5. The area of ground between the road embankment and the existing bridge shall be lowered to a level of a minimum 139.4 metres AOD. In addition to this there shall be no obstruction to the overland flood flow path.

Reason: to mitigate against flood risk.

6. 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 and Strategy, 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 Head of Planning and Strategy. 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 and Strategy.

Reason: to protect human health and the wider environment from risk of pollution.

7. The approved landscaping scheme and open space provision, required by condition 1 above, shall be fully implemented in accordance with the approved phasing plan, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

Reason: to provide an appropriate scheme of open space and landscaping.

8. At least two months prior to the commencement of any works, a full site specific environmental management plan (EMP) shall be submitted for the written approval of the planning authority, in consultation with SEPA (and other agencies as appropriate) and all work shall be carried out in accordance with the approved plan.

Reason: to ensure that an appropriate EMP is approved and implemented.

9. As soon as possible after each of the phases of the development approved under condition 1 above is completed (except for the last or final phase, in respect of which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the planning authority.

Reason: to accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.

Advisory notes:

Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

Display of notice: A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

Protected species: The developer is advised to take cognisance of the findings of the relevant assessments undertaken in relation to European Protected Species. These make provision for mitigation measures that will ensure there will be no adverse effect on European Protected Species.

Schedule of application drawings:

- 01 Site boundary plan
- 03 Horizontal geometry
- 04 Visibility requirements
- 05 Vertical geometry
- 06 Proposed road profiles
- 07 Drainage layout and profiles
- 08 Markings and finishes
- 09 Construction details
- 10 Drainage construction details
- 11 Proposed site cross sections

**DUNALISTAIR HOUSE,
DREGHORN LOAN,
EDINBURGH**

INDEPENDENT STAGE 2 ROAD SAFETY AUDIT

**PREPARED FOR
THE CITY OF EDINBURGH COUNCIL
ON BEHALF OF
DOUGALL BAILLIE ASSOCIATES**

Report prepared by:-

Stewart Paton Associates Ltd.
Consulting Engineers
21 Hermand Gardens
West Calder
West Lothian
EH55 8BT

**JOB No. 2639/2/DL-001a
Date: September 2013**

**DUNALISTAIR HOUSE,
DREGHORN LOAN,
EDINBURGH**

INDEPENDENT STAGE 2 ROAD SAFETY AUDIT

JOB NO: 2639/2/DL-001a

	STATUS	PREPARED BY	DATE	APPROVED BY	DATE
STAGE 2	Final	Kevin P McMahon Stewart E. Paton	26 September 2013		26 September 2013

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1.0 INTRODUCTION

- 1.1 The report has been prepared for The City of Edinburgh Council as a Stage 2 Road Safety Audit of a proposed new section of road leading to a housing development to the south of Dreghorn Loan, Edinburgh. The audit has been requested by Dougall Baillie Associates.
- 1.2 The audit was carried out during September and follows the Stage 1 audit which was prepared in March 2010 and a Stage 2 audit of an alternative design layout prepared in July 2013.
- 1.3 The independent audit was carried out by Stewart Paton, Consultant with Stewart Paton Associates Ltd., Consulting Engineers and Forensic Investigation Specialists.
- 1.4 The following documents were provided and form the basis on which this report has been prepared:-

- The Audit Brief

The scheme drawings reviewed during the course of this audit were:-

- Horizontal Geometry 12051-100-103RevB
 - Vertical Geometry 12051-100-105RevB
 - Road Profiles 12051-100-107RevB
 - Adoption Plan 12051-100-109RevB
 - Contour Plan 12051-100-111RevB
 - Drainage Layout and Profiles 12051-500-100RevC
 - Rising Main Profile 12051-500-106RevA
 - Pavements 12051-700-100RevC
 - Kerbing 12051-1100-100RevB
 - Road Markings 12051-1200-100RevA
 - Construction Details 12051-100-114RevB
 - Street Lighting 12051-1400-100
 - Access Arrangements 12051-SK-30 Rev A
 - Access arrangements without parked cars 12051-SK-32 Rev A
- 1.5 The audit was carried out generally as described in DMRB:HD19/03 and took into account the specific requirements of the contract as appropriate and the Audit Brief.
 - 1.6 In this Stage 2 assessment, compliance with design criteria and the Employer's Requirements has been considered. Aspects that may reflect on safety issues have been identified. The proposals have been audited to allow consideration to be given to the potential safety implications inherent in the scheme and to identify proposals to address the safety issues identified.
 - 1.7 For the purposes of this audit, it is assumed that all Orders required to construct the scheme have been published and approved.

- 1.8 The proposals that are the subject of this audit relate to the access road leading from a modified junction on Dreghorn Loan and Laverockdale Crescent to a proposed housing development located in fields to the south of Dreghorn Loan, Edinburgh. The section of the proposed road being audited is limited to the first 250m from the reprioritised junction at the link between Dreghorn Loan and Laverockdale Crescent to a temporary turning head at the limit of adoption for Phase 1 of the development.
- 1.9 From the link between Dreghorn Loan and Laverockdale Crescent the proposed road heads southwards running adjacent to an existing private access road. The proposed road rises in grade from north to south to a high point around the northern boundary of Dunalistair House before falling and crossing over the Bonaly Burn by way of a culvert. To the south of the burn the proposed road rises before terminating at the temporary turning head.

The proposed road, which has a number of changes in both horizontal and vertical alignment, will be provided with traffic calming features in the form of speed humps. A footway is to be provided on the east side of the proposed road which will tie into the existing footway on Dreghorn Loan. A short section of footway will be provided to the west of the proposed road adjacent to the existing house on the corner between Dreghorn Loan and Laverockdale Crescent.

- 1.10 The scope of the works reviewed during the course of this audit comprise all the construction details included in the drawings provided which form the RCC submission to The City of Edinburgh Council.

2.0 ITEMS ARISING FROM THIS STAGE 2 AUDIT

B1 GENERAL

B1.1 Departures from Standards

B1.1.1 Comment

The Audit Team consider that the proposed road appears to fall into the category of a General Access Road outlined in the CEC document Movement and Development. While design standards contained in the Design Manual for Roads and Bridges have been considered, the design criteria provided by CEC have also been used in relation to this audit.

It is noted that Movement & Development indicates a minimum sight distance of 40m for a General Access Road. The designers appear to have provided this standard at points where the vertical and horizontal alignment combines to restrict visibility.

It is noted that a wall exists between the existing private access and the existing access to Dunalistair House. The wall and the adjacent trees and shrubs will obstruct the intervisibility between vehicles on the proposed road and the existing private access at the merge point.

Recommendation

It is recommended that it be confirmed that the required 40m SSD on the proposed road and 2.4m x 33m visibility splays at junctions onto the proposed road is available at –

- the horizontal curve at Chainage 140 northbound
- the approach to the merge point between the proposed road and the existing private access at Chainage 20 northbound
- the horizontal curve at Chainage 115 southbound
- the horizontal curve at Chainage 135 northbound
- the access from the derelict cottage
- the access to Dunalistair House (see later regarding the line of approach of the access)
- the approach to the pedestrian crossing point to the west of the proposed tie-in at Laverockdale Crescent

If the 40m SSD and 33mm visibility splay cannot be achieved then any reduction should be agreed with the council as a possible Departure from Standard.

It is noted that the most recent proposals for a raised table at the junction with Dreghorn Loan/Laverockdale Crescent can be viewed as a mitigation measure in relation to reduced sight lines (28.5m) being drivers on all approaches will need to reduce speed to negotiate the ramps leading to the raised table.

B1.1.2 Comment

Movement and Development normally requires new footways to be provided at a gradient of no greater than 5%. On the first section of the proposed road the footway gradient provided is the maximum 8% acceptable for a carriageway with a 6% gradient provided to the north of the burn.

Recommendation

The needs of pedestrians and those with mobility difficulties should be considered in the design.

The provision of a handrail and landing/rest areas on the steeper sections of footway would be appropriate. It may be possible to incorporate suitably-designed landing/rest areas at the rear of the footway.

B1.2 Drainage

B1.2.1 Comment

It is noted that manholes are to be constructed within the carriageway of the proposed road. The provision of ironwork in the carriageway has the potential to lead to premature deterioration of the road surface. Current best practice is to position ironwork in footways and verges.

Recommendation

It is recommended that ironwork be positioned in footways and verges where practicable and possible.

B1.2.2 Comment

The provision of a raised table at the junction with Dreghorn Loan/Laverockdale Crescent will require additional drainage gullies on the south side of the raised area so as to avoid surface water ponding at the ramps.

Recommendation

It is recommended that the drainage requirements of the raised table are incorporated into revised drainage proposals.

B1.3 Climatic Conditions

B1.3.1 Comment

It is probable that the proposed road will be designated a low priority in the winter maintenance schedule and residents may experience difficulty in navigating the steep gradients during icy conditions.

Recommendation

It is recommended that a request be made to the roads authority to provide a self-help grit bin at an appropriate location on the proposed road for use during adverse conditions.

B1.4 Landscaping

B1.4.1 Comment

No details have been provided at this stage with regard to landscaping proposals. It is however the case that the proposed road will be pass through a heavily wooded area and, as such, some of the existing trees and foliage will be retained and this could have an effect general on visibility. Tress and other vegetation could also overhang and encroach on the footways reducing accessibility.

Recommendation

While it is appreciated there may be a desire to maintain as much of the existing landscaping as possible, this and any new planting propose should not obscure sightlines nor obstruct footways.

B1.5 Public Utilities Services Apparatus

B1.5.1 Comment

No details have been provided with regard to how services are being provided to the housing development. Any maintenance required to services apparatus in the carriageway which required closure of the single carriageway proposed road could create significant disruption to residents.

Recommendation

It is recommended that services be located in footways or preferable verges where practicable and possible.

B1.6 Lay-bys and Parking

B1.6.1 Comment

As noted in the Stage 1 audit, vehicles were parked on both the east and west side of Dreghorn Loan at the merge point between the proposed and existing accesses. The most recent proposals for a raised table junction include an option ‘without parked cars’. While the property at No 50 has a driveway the proposed arrangements could lead to the residents having to park vehicles at other on-street locations. This could in turn lead to vehicles blocking visibility splays and traffic routes, especially at the bend from Dreghorn Loan to Laverockdale Crescent

Recommendation

Given that areas in which parking is currently undertaken may be lost then the need for parking restrictions should be reviewed and, it is recommended that any changes or introduction of parking restrictions be made known to the affected residents.

B1.7 Accesses

B1.7.1 Comment

The issues arising at the new junction at the link between Dreghorn Road and Laverockdale Crescent were highlighted. The details provided on the drawings submitted for the Stage 2 audit have addressed some of the issue arising in the Stage 1 audit.

However, the following issues relating to the conflicts that will arise at the new junction remain, even with the recent proposals for the introduction of a raised table -

1. The very acute angle of merge and the lack of intervisibility between vehicles from the two access roads merging at the give way line
2. The lack of separation of the give way or stop line at the end of the existing private access and the proposed road
3. The area required for vehicles to manoeuvre into and out of the drives to the east and west of the give way line
4. The inability of the owners of the property to the east of the give way line to continue to park on the small paved area to the south of the property and the need for them to use only their existing driveway
5. The inability of the owners of the property to the west of the give way line to continue to park on road and the need for them to use only their existing driveway
6. The potential inability of the owners of the property to the east of the reconfigured junction to continue to park on the road and the need for them to use only their existing driveway
7. Lack of pedestrian/vehicle intervisibility for pedestrians on Laverockdale Crescent due to the high wall along the side of the adjacent property

The potential consequences of the risks that arise are –

- a. Vehicle conflicts at the merge point of the two access roads
- b. Vehicle and pedestrian conflicts during manoeuvres into and out of the properties to the east and west of the give way line
- c. Vehicle and pedestrian conflicts on the pedestrian crossing of the footway link from Laverockdale Crescent to Dreghorn Loan across the give way line

It is appreciated that vehicle and pedestrian flows will be low and that vehicle speeds will be low. As such, it is considered that the risks arising will also be low.

In addressing these issues the designers have recently proposed a raised table junction.

The introduction of a raised table with designated crossing points then provides an environment where all users are provided with an indication that there are elements of 'shared use'. This practice is a common approach when designing residential streets where multiple road users converge at one point.

Recommendation

It is recommended that consideration be given to this recently proposed layout. A swept path analysis should be undertaken to identify that a large rigid vehicle, such as a large removal van, can manoeuvre into the existing private access if the alternative layout is practicable and possible.

If it is considered practicable and possible to develop the proposal into a design acceptable to the CEC, it is recommended that the layout be adopted being it is not dissimilar in design to a potential junction layout that was originally suggested at the Stage 1 Audit albeit a raised junction is now proposed.

B1.7.2 Comment

It is noted that the proposed road to Dunalistair House is to be provided by way of a dropped kerb crossing over the east side footway. However, the angle of approach is very acute which will create difficulties for drivers exiting Dunalistair House to view vehicles approaching from the left.

An alignment which created a more perpendicular intersection with the proposed road would alleviate the problem.

As noted in the Stage 1 audit, consideration should be given to the provision of a storage area for refuse bins on the proposed road such that they do not obstruct the footway.

Recommendation

It is recommended that the design of the access be reviewed to provide a more perpendicular intersection with the provision of a 2.4m x 33m visibility splay provided.

The provision of a bin storage area should also be identified at the rear of the footway.

B1.7.3 Comment

The driveway to the property to the west of the entrance from Dreghorn Loan is adjacent to a wall and vehicles exit from the drive directly onto the give way line at the merge point between the two access roads. As such, that vehicles entering and exiting the drive may require to use the full width of the carriageway at the junction area to effect entry and exit.

Also, vehicles exit the driveway to the property to the east of the entrance from Dreghorn Loan will require to cross the entrance lane into the proposed development to make an approach to the new give way marking.

Recommendation

It is recommended that swept path analysis for vehicle entering and exiting the drives be undertaken to confirm that vehicles can make the required movements within the available road width and make an appropriate approach to the give way line.

B1.10 Fences and Road Restraint Systems

B1.10.1 Comment

The Stage 1 audit made reference to the provision of fencing and road restraint system at the culvert across the Bonaly Burn. No details of the proposals have been provided.

Whilst the level of provision of a road restraint system will flow from a risk assessment, the provision of fencing to protect pedestrians at embankments, particularly above water, is necessary.

Recommendation

It is recommended that the level of provision of the road restraint system to be provided on the approaches to and across the culvert, if any, and the level of provision of fencing at the rear of footways in the vicinity of embankments above water be confirmed.

B3 JUNCTIONS

B3.4 Layout

B3.4.1 Comment

As identified in the Stage 1 audit, the proposals result in a change in priority at the Dreghorn Loan / Laverockdale Crescent junction. This reflects the dominant traffic movement that was observed on site during the site inspection. It was observed that on-street parking occurs on the east side of Dreghorn Loan and that this can result in drivers, making a right turn from Dreghorn Loan into Laverockdale Crescent, ‘cutting the corner’. If this movement is now given more priority drivers could make this movement at higher speeds.

Recommendation

It is recommended that a centre line be provided to assist maintain lane discipline at this junction.



Indicative centre line to maintain lane discipline
during right turns

B5 ROAD SIGNS, CARRIAGEWAY MARKINGS AND LIGHTING

B5.3 Lighting

B5.3.1 Comment

The lighting layout drawing identifies a column on the east side of the proposed new access at Chainage 20 approximately.

The footway width at that location may be restricted by both the land available and the potential provision of a handrail.

Recommendation

To minimise the obstruction created in a potentially narrow footway, it is recommended that the lighting column be placed in the verge of the west side of the proposed new access.

Any trees that will interfere with light spread should be suitably pruned or removed.

B5.4 Road Markings

B5.4.1 Comment

The plans provided indicate that a centre line marking will be provided along the length of the proposed road. It is appreciated that given the road's alignment and limited sightlines this may assist with maintaining lane discipline and reduce the possibility of conflict with oncoming traffic. However the provision of a centre line on an access road of this width is somewhat unusual. In some instances the existence of a centre line can encourage speeds as drivers believe they are 'protected' from oncoming traffic by the marking.

Recommendation

Given the unique nature of the proposed road, it is recommended that the road layout be reviewed after construction before making a final decision on whether or not a centre line is required and if so the extent of provision.

3. AUDIT TEAM STATEMENT

I certify that this audit has been carried out generally in accordance with HD 19/03

AUDIT TEAM LEADER

Name: Kevin McMahon

Signed: Keri P. McNeelan

Position: Managing Director

Dated: 26 September 2013

Organisation: Stewart Paton Associates Ltd
Consulting Civil Engineers

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AUDIT TEAM MEMBER

Name: Stewart E. Paton

Position: Consultant

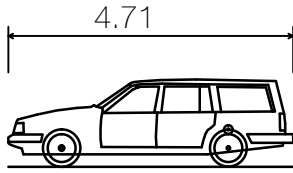
Organisation: Stewart Paton Associates Ltd
Consulting Civil Engineers



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DO NOT scale from this drawing

Notes:



0.885 2.755

Estate Car (2006)

Overall Length: 4.710m

Overall Width: 1.804m

Overall Body Height: 1.442m

Min Body Ground Clearance: 0.207m

Max Track Width: 1.756m

Lock to Lock Time: 4.00s

Kerb to Kerb Turning Radius: 5.950m

LEGEND

■ DENOTES EXTENT OF RAISED JUNCTION

C	LEGEND ADDED FOR RAISED JUNCTION ACCESS. TRANSITION RAMP ADDED TO DREGHORN LOAN ACCESS	GA	FGA
		16.12.13	16.12.13
B	DRAWING REVISED TO SHOW REALIGNED DRIVEWAY AT DUNALISTAIR HOUSE	RM	FGA
		09-10-13	09-10-13
A	RAISED JUNCTION ADDED AT ACCESS.	RM	FGA
		24-09-13	24-09-13
Rev.	Revision details:	By:	Checked:
		Date:	Date:

Client:

MILLER HOMES (SCOTLAND)

Project:

DUNALISTAIR HOUSE
DREGHORN LOAN, EDINBURGH

Drawing Title:

ACCESS ARRANGEMENT

Drawn:	RM	Checked:	FGA
Date:	20-09-13	Date:	20-09-13
Scale:	1:250	Dwg. No:	12051-SK-30
	@A2		

Dwg Status:

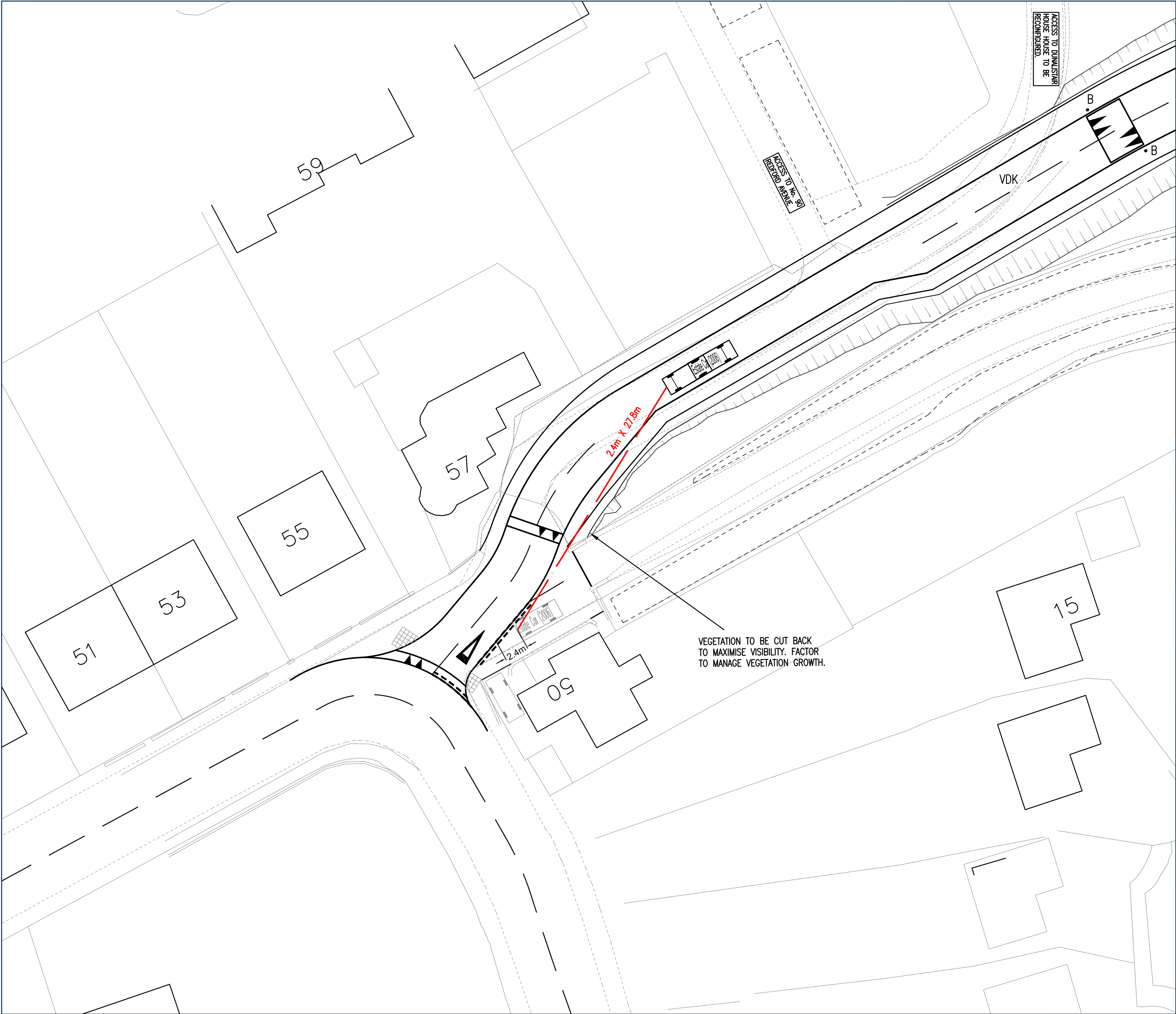
Draft

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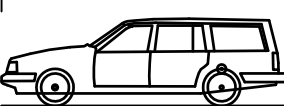
DBA

civil, structural, transportation, water management




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Notes:



4.71
2.755
0.885

Estate Car (2006)
Overall Length: 4.710m
Overall Width: 1.804m
Overall Body Height: 1.442m
Min Body Ground Clearance: 0.207m
Max Track Width: 1.756m
Lock to Lock Time: 4.00s
Kerb to Kerb Turning Radius: 5.950m

 2.4 x 27.8m VISIBILITY SPLAY.
(2.4 x 23m VISIBILITY TO KERBLINE)

F	MINOR AMENDMENTS TO DRAWING, GIVEWAY MARKINGS ADJUSTED.	RM	FGA
		13-12-13	13-12-13
E	SSD REMOVED, MINOR REVISIONS FOLLOWING COUNCIL COMMENT.	RM	FGA
		06-12-13	06-12-13
D	** DIMENSION ADDED TO VISIBILITY SPLAY. MARKINGS ADDED TO PRIVATE ACCESS JUNCTION	RM	FGA
		05-12-13	05-12-13
C	POSITION OF VEHICLE EXITING PROPOSED ACCESS AMENDED SLIGHTLY. SSD REVISED TO SHOW IMPROVEMENT	RM	FGA
		05-12-13	05-12-13
B	BLOCK LAYER AT RAISED JUNCTION TURNED OFF FOR CLARITY.	RM	FGA
		17-10-13	17-10-13
A	RAISED JUNCTION ADDED AT ACCESS.	RM	FGA
		24-09-13	24-09-13
Rev.	Revision details:	By:	Checked:
		Date:	Date:

Client: MILLER HOMES (SCOTLAND)

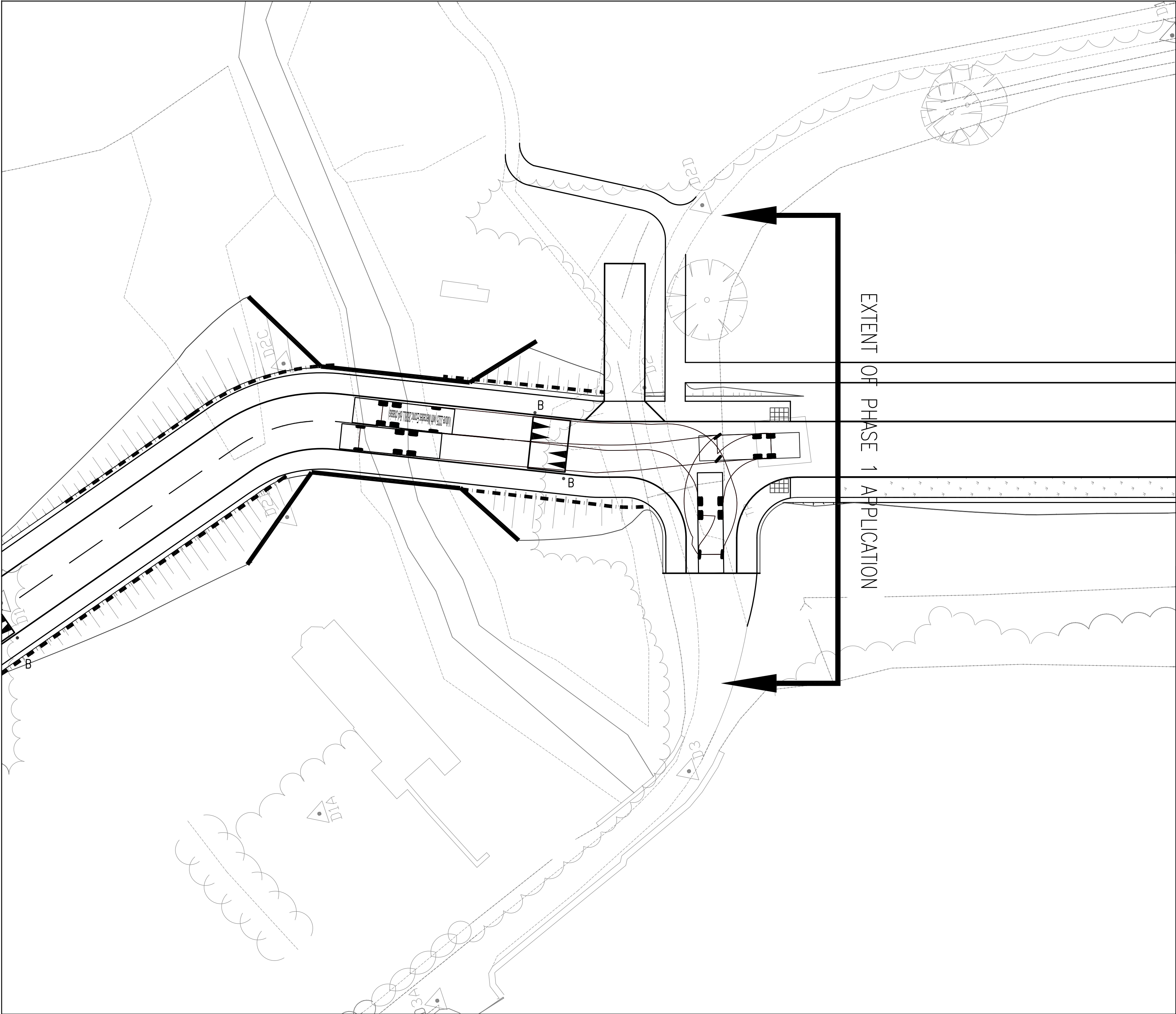
Project: DUNALISTAIR HOUSE
DREGHORN LOAN, EDINBURGH

Drawing Title: ACCESS ARRANGEMENT
VISIBILITY

Drawn:	RM	Checked:	FGA
Date:	20-09-13	Date:	20-09-13
Scale:	1:250 @A2	Dwg. No:	12051-SK-32
Dwg Status: Draft			

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Notes:

Vulture 2225 (with Mercedes Econic 2628LL
6x4 chassis)
Overall Length 9.930m
Overall Width 2.490m
Overall Body Height 3.749m
Min Body Ground Clearance 0.302m
Track Width 2.490m
Lock to Lock Time 4.00s
Wall to Wall Turning Radius 9.250m

Rev.	Revision details:	By:	Checked:
		Date:	Date:

Client:
MILLER HOMES (SCOTLAND)

Project:
DUNALISTAIR HOUSE
DREGHORN LOAN, EDINBURGH

Drawing Title:
REFUSE VEHICLE TURNING
AT TEMPORARY TURNING HEAD

Drawn:	RM	Checked:	SM
Date:	10-10-13	Date:	10-10-13
Scale:	1:250	Dwg. No:	12051-SK-38

Dwg Status: Draft

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Regulatory Committee

2.00pm, Monday, 3 February 2014

Taxi Stances – Revocations, Variations and Appointment – various locations along the Edinburgh Tram route. Outcome of Consultation with the Taxi trade and Public

Item number	7.2
Report number	
Wards	01 - Almond 03 - Drum Brae/Gyle 06 - Corstorphine & Murrayfield 11 - City Centre

Links

Coalition pledges	P18
Council outcomes	CO7 , CO8 , CO22
Single Outcome Agreement	SO1

Mark Turley

Director of Service for Communities

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Executive summary

Taxi Stances – Revocations, Variations and Appointment – various locations along the Edinburgh Tram route. Outcome of Consultation with the Taxi trade and Public

Summary

This report details the outcome of consultation with the taxi trade and the general public with regard to the new and revised taxi stances along the tram route, as well as the introduction of additional temporary stances in the Haymarket area arising from changes to access arrangements introduced by Network Rail as part of the Haymarket Station redevelopment.

Recommendations

It is recommended that the Committee:

- 1 notes the contents of this report;
- 2 notes the responses to the consultation and newspaper advertisement; and
- 3 appoints, varies or revokes the taxi stances as listed in Appendix 1

Measures of success

To have taxi ranks at the relevant locations in the city.

Financial impact

None.

Equalities impact

There is an ongoing full equalities impact assessment being undertaken in relation to the Edinburgh Tram project to ensure that as the implementation progresses the equality impact assessment is maintained.

Sustainability impact

As part of a broader sustainable transport strategy within the city, it is anticipated that the tram will make a positive overall contribution to the environment by encouraging modal shift from private vehicles to public transport and mitigating the impacts of population growth and commuter and visitor generated traffic.

Consultation and engagement

- Taxi Stance Working Group.
- Advertisement in the Edinburgh Evening News newspaper on 22 and 27 November 2013 and on-street notices, for the duration of the consultation period of 28 days.

Background reading/external references

- Tram Traffic Regulation Orders Drawings showing the location of sites under consideration.
- List of licensed taxi stances.
- Copy of street notice.
- Copy of Edinburgh Evening News advert.
- Copy of Taxi Stance report to the Regulatory Committee on 15 November 2013.

Taxi Stances – Revocations, Variations and Appointment – various locations along the Edinburgh Tram route. Outcome of Consultation with the Taxi trade and Public

1. Background

- 1.1 The introduction of the tram system to Edinburgh city centre has necessitated changes to the location of some of the taxi stances which are along or close to the route.
- 1.2 The Civic Government (Scotland) Act 1982 requires a Licensing Authority to consult with the taxi trade about changes to any rank on the public highway and advertise in a newspaper any new or increase in taxi rank provision.

2. Main report

- 2.1 At the Regulatory Committee meeting on 15 November 2013, authority was given to Council Officials to consult with the taxi trade (through the Taxi Stance Working Group) and the general public, on the changes (Appendix 1). It should be noted that the stance at Haymarket station (listed in Appendix 1) has been removed by Network Rail as part of the station redevelopment and replaced by a drop-off/pick-up zone. Therefore, this location is not to be considered further as a taxi stance. An additional 12 taxi stance spaces have been provided on a temporary basis in the vicinity of Haymarket Station. Consolidation of these spaces into permanent stances will be subject to a future report to the Regulatory Committee.
- 2.2 Consultation with the taxi trade has been carried out through the Taxi Stance Working Group (notes from this meeting are in Appendix 2). General consultation was carried out by the placing of an advert (see background papers) in the Edinburgh Evening News on 22 and 27 November 2013 and the placing of similar notices (see background papers) at each location. The general public were given 28 days to respond, from the date of the notice. There were no objections to the proposals.
- 2.3 The Council received three e-mails from members of the Taxi Stance Working Group supporting the current proposals (see Appendix 3).

- 2.4 One letter was received from the general public (see Appendix 3). This concerned the taxi stance in Rosebery Crescent. Since this letter was written, the Council has spoken to the author, regarding the concerns raised in their letter. A written reply has been sent out, which responds to their main concern regarding lack of suitable parking for blue badge holders. The presence of the taxi rank will prevent parking directly outside their premises, but there is suitable parking provision, within close proximity of their property. The locations of the proposed taxi stances are attached in Appendix 4.
- 2.5 Discussions and agreement have taken place between Council Officials and the Taxi Stance Working Group with regard to the provision (in the interim), of additional stances in Dalry Road and Clifton Terrace (location map see Appendix 4), following the removal of the stance outside Haymarket Station. These interim stances are in place under a temporary traffic regulation order. It should be noted that the removal of the former stances and installation of the new stances, in Appendix 1 of this report, has already been carried out.

3. Recommendations

- 3.1 It is recommended that the Committee:
- 3.1.1 notes the contents of this report;
 - 3.1.2 notes the responses to the consultation and newspaper advertisement; and
 - 3.1.3 appoints, varies or revokes the taxi stances as listed in Appendix 1

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P18 – Complete the tram project in accordance with current plans
Council outcomes	CO7 – Edinburgh draws new investment in development and regeneration CO8 – Edinburgh’s economy creates and sustains job opportunities CO22 – Moving efficiently – Edinburgh has a transport system that improves connectivity and is green, healthy and accessible
Single Outcome Agreement	SO1 – Edinburgh’s economy delivers increased investment, jobs and opportunities for all
Appendices	Appendix 1 - List of sites under consideration Appendix 2 - Comments on the sites, noted at the meeting of the Taxi Stance Working Group on 11 December 2013 Appendix 3 - List of objections and comments to advert Appendix 4 – Location plans of proposed taxi stances

Taxi Ranks – new, revoked and re-determined by the tram project

<u>Location</u>	<u>number of spaces</u>		
	<u>new</u>	<u>revoked</u>	<u>re-determined</u>
Rosebery Crescent	3	0	0
Haymarket Station	3***	12	0
Canning Street	3	0	0
Frederick Street	5	5	0
Hanover Street	3	3	0
St Andrew Square (southside at westend)	6	0	0
North St Andrew Street (outside Harvey Nichols)	0	0	3*
South St Andrew Street (Westside-Meuse Lane to Square)	0	7	0
Edinburgh Park Station	<u>0</u>	<u>0</u>	<u>3**</u>
TOTAL	23	27	6

*net decrease by 1

**no change

***now removed by Network Rail station redevelopment

Regulatory Committee

2pm, Monday, 3 February 2014

Review of Public Entertainment Licensing

Item number	7.3
Report number	
Wards	Citywide

Links

Coalition pledges	P31
Council outcomes	CO8, C20
Single Outcome Agreement	SO1

Mark Turley

Director of Services for Communities

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Executive summary

Review of Public Entertainment Licensing

Summary

Committee at its meeting of 15 November 2013 considered a report on licensing of 'premises of Public Entertainment'. The Committee agreed to consult on proposals to amend the current Public Entertainment Resolution, removing 'Health and Fitness premises, including premises used as saunas or massage parlours', from the requirement to obtain a public entertainment licence.

This report advises Committee on the outcome of the statutory consultation.

The report recommends that the licensing of 'Health and Fitness premises including premises used as saunas or massage parlours' should cease, as it is no longer appropriate for the Council to license these premises.

Recommendations

- 1 It is recommended that Committee:
 - a) notes the outcome of the statutory consultation.
 - b) notes the decision of the Corporate Policy and Strategy Committee on 21 January 2014 on 'A Harm Reduction Framework'.
 - c) agrees to vary the City of Edinburgh Council's Public Entertainment Resolution (Number 1 of 2013) as set out in [Appendix 2](#), to remove massage parlours and sauna premises from the list of premises required to be licensed, effective from 7 March 2014.
 - d) agrees therefore the City of Edinburgh Council's Public Entertainment Resolution (Number 1 of 2014) as set out in [Appendix 3](#).
 - e) instructs the Director of Service for Communities to take all steps necessary to implement this decision, including dealing with outstanding legal cases.

Measures of success

That the Public Entertainment Resolution is fit for purpose and that the Council discharges its statutory duties.

Financial impact

The Council's scale of fees for licensing applications was approved with effect from 1 April 2013. This change will have no long term impact, as the reduction in fee income will be offset by a reduction in the costs of administering and regulating these licences.

Equalities impact

There is no adverse impact on the public sector equalities duty. There would accordingly be no direct equalities impact arising from the contents of this report.

Sustainability impact

There is no environmental impact arising from the contents of this report.

Consultation and engagement

- 1 The Public Entertainment Licensing Consultation Survey was available for interested parties to complete during the period 18 November 2013 to 15 December 2013, with the Council website used to promote completion. Late submissions were accepted until 31 December 2013.
- 2 An advertisement promoting the consultation was published in the Edinburgh Evening News on 19 November 2013.
- 3 The consultation was circulated by letter to all relevant licence holders and statutory consultees e.g. NHS Lothian, Scottish Fire and Rescue and Police Scotland.
- 4 A number of third sector agencies were offered face to face meetings, and a small number took advantage of that offer.
- 5 365 responses were received in total.

Background reading / external references

[Item 7.1 - Proposed Changes to the Public Entertainment Resolution, Regulatory Committee 15 November 2013.](#)

Review of Public Entertainment Licensing

1. Background

- 1.1 The Civic Government (Scotland) Act 1982 ('the Act') requires the Council to have a Public Entertainment Licensing system. The Council is required to identify which places or classes of premises are considered to be places of public entertainment, and therefore require a public entertainment licence.
- 1.2 On 15 November 2013 the Regulatory Committee agreed to statutory consultation on proposed amendments to the Public Entertainment Resolution ('PER') to remove 'Health and Fitness premises, including premises used as saunas or massage parlours' from the requirement to obtain a public entertainment licence. This consultation took place from 18 November to 15 December 2013.
- 1.3 This report outlines the results of the statutory consultation process.

2. Main report

- 2.1 The consultation on proposed amendments to the PER was advertised locally in the Edinburgh Evening News and on the Council website. Additionally, interested parties, including all current licence holders, were written to and asked to comment. Respondents could either reply by letter or fill in the Council's online survey. 365 responses were received, of which 11 came from organisations.
- 2.2 The proposed amendments to the PER arose from concerns that the Council's practice of licensing premises 'used for Health and Fitness, including Saunas and Massage Parlours' was not achieving its aim of harm reduction and was no longer sustainable. In the last 18 months detailed and serious objections have been made to the licensing of the majority of the premises which are either 'Saunas or Massage Parlours'.
- 2.3 Any amendment to the PER requires statutory consultation. The proposals were therefore advertised publicly and a period of consultation held between 18 November and 15 December 2013. Any late responses up to 31 December were accepted and included in the consultation exercise. Detail on the consultation response is attached at Appendix 1.
- 2.4 A number of key themes emerged consistently from the consultation responses. The single biggest issue related to the potential impact on harm reduction particularly to workers within saunas and massage premises. Other key issues

were concern that closing these premises would result in displacement of activity into other areas or premises and thirdly, support for licensing of these premises on the basis that they have no adverse impact on their locality.

- 2.5 There are a number of premises currently licensed which would be impacted by these proposals spread across a range of geographical areas in the city. Response to the consultation from communities or the general public was very low with submissions coming mainly from people who have an active interest in this issue.
- 2.6 The issue of harm reduction is a serious concern and has been a significant driver in considering this change of policy. The key objective of risk management and risk reduction from these premises is clearly no longer being achieved. Recent checks on these licensed premises have identified that activity beyond the scope of the license was taking place in a large proportion of premises; in addition serious charges have been brought against a number of owners including links to serious and organised crime. Effective harm reduction around activity within these premises needs a different approach.
- 2.7 The Council takes the safety and well being of workers within these premises extremely seriously and has been working closely with partner agencies including NHS Lothian, Police Scotland and the third sector developing a Harm Reduction Framework which would include workers within saunas and massage premises. A report on this framework, as requested by this Committee, was approved by the Policy and Strategy Committee on 21 January 2013 as a basis for ongoing work providing support and assistance. This work will be reported back to the Health, Social Care and Housing Committee on a regular basis. It is suggested that this stream of work will address the concerns raised in the consultation.
- 2.8 It is clear from the responses received on the consultation that a large proportion of the respondents appear to accept that activity beyond the scope of the licensed activity is being carried out in these premises and their comments relate to management of this activity. A number of responses have proposed that a system of openly licensing brothels be adopted.
- 2.9 It is important to note that the Council has never condoned the sale of sex on these premises, and has accepted that if there is illegal activity taking place then it cannot license any such premises. The feedback from the consultation exercise would seem to add further support to the suggestion that sex is being sold from these premises. From a licensing perspective managing an activity which would otherwise be illegal is not a legitimate aim or purpose of the licensing system.
- 2.10 The Council has been provided with detailed legal advice on the implications of licensing premises in which it is believed illegal activity is being engaged in. The advice is clear that the Council cannot use the licensing system as a means of regulating activity which would otherwise be illegal, or about which there is undisputed or overwhelming evidence to that effect. It remains open to the Council to decide if legitimate sauna and massage operations are to be licensed,

but if it is known that there are other activities taking place under cover of a Public Entertainment Licence then the Council leaves itself open to challenge. Given recent developments before the Licensing Sub-Committee it seems likely that such legal challenges will continue – whether by individual appeals against licence application decisions, or by judicial review of a decision to adopt or amend a policy. Such challenge has significant reputational and cost implications for the Council

Other key points raised through the consultation related to displacement of activity and potential impact on surrounding neighbourhoods if licensing ceased. It is important to note that removing premises from the Public Entertainment Resolution does not mean that they are required to close; they simply no longer require a license to operate. As stated above, premises will remain subject to general enforcement activity through Public Health and Trading Standards powers and any illegal activity will be a matter for Police Scotland to action.

3. Recommendations

3.1 It is recommended that Committee:

- a) notes the outcome of the statutory consultation.
- b) notes the decision of the Corporate Policy and Strategy Committee on 21 January 2014 on 'A Harm Reduction Framework'.
- c) agrees to vary the City of Edinburgh Council's Public Entertainment Resolution (Number 1 of 2013) as set out in [Appendix 2](#), to remove massage parlours and sauna premises from the list of premises required to be licensed, effective from 7 March 2014.
- d) agrees therefore the City of Edinburgh Council's Public Entertainment Resolution (Number 1 of 2014) as set out in [Appendix 3](#).
- e) instructs the Director of Service for Communities to take all steps necessary to implement this decision, including dealing with outstanding legal cases.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P31 - Maintain our City's reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure
Council outcomes	CO8 - Edinburgh's economy creates and sustains job opportunities CO20 - Culture, sport and major events – Edinburgh continues to be a leading cultural city where culture and sport play a central part in the lives and futures of citizens
Single Outcome Agreement	SO4 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
Appendices	Appendix 1: Consultation responses. Appendix 2: Public Entertainment Resolution no. 1 of 2013 Appendix 3 Public Entertainment Resolution no.1 of 2014

Regulatory Committee

2pm, Monday, 3 February 2014

Civic Government (Scotland) Act 1982: Update of Standard Licence Conditions

Item number:	7.4
Report number:	
Wards:	ALL

Links

Coalition pledges	P31
Council outcomes	CO8, C20
Single Outcome Agreement	SO1

Mark Turley

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Executive Summary

Civic Government (Scotland) Act 1982: Update of Standard Licence Conditions

Summary

The Council acts as Licensing Authority under the Civic Government (Scotland) Act 1982. Any grant of a licence will normally be subject to the attachment of 'standard conditions' for the type of licence concerned.

Some of these sets of standard conditions require minor updating to reflect changes in the Council's organisational structure. This report seeks authority to make changes to the standard conditions where a reference to a post within the council's structure is no longer relevant.

Recommendations

- 1 It is recommended that Committee:
 - a) agree to amend standard conditions to reflect the current relevant posts and to note that the Director of Services for Communities will keep this aspect of the standard conditions up to date for each category of licence listed in Appendix 1.
 - b) instructs the Director of Corporate Governance to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

Measures of success

The Council's standard conditions of licence are up to date.

Financial impact

There are no financial consequences arising from this report.

Equalities impact

There are no relevant equalities duties affected by this report.

Sustainability impact

There are no sustainability issues impacted by the report.

Consultation and engagement

Not applicable.

Background reading / external references

[Item 5 - Civic Government Licensing - Standard Conditions, Regulatory Committee 20 April 2012.](#)

Civic Government (Scotland) Act 1982: Update of Standard Licence Conditions

1. Background

- 1.1 The Council acts as a 'Licensing Authority' under the Civic Government (Scotland) Act 1982. When granting a new licence or renewing an existing licence the Council will attach conditions to control how that licence operates. There are 20 types of licence where the Council has adopted 'Standard Conditions'.
- 1.2 These standard conditions are applied to every licence unless Committee expressly decides otherwise. Additionally Committee can attach other conditions specific to an individual licence if they think it its reasonable to do so.

2. Main report

- 2.1 Within the current set of Standard Conditions of licence there are references to specific posts within the Council. Typically these references are found in conditions requiring a check to be carried out on or behalf of the post holder. Alternatively it will require the licence holder to satisfy the post holder about some aspect of the operation of the licence.
- 2.2 As the Council has changed its organisational structure a number of the references have become out of date as the post has been deleted from the structure. Whilst the current post holder can still be identified via the Scheme of Delegation it is necessary to update these references to avoid confusion to businesses and the public.
- 2.3 The changes proposed are not substantive and do not create or remove any obligation on licence holders. Additionally there is no change in the Committee's role in attaching other conditions as they see fit. These changes can therefore be made without impacting the rights of licence holder and therefore statutory consultation is not required.

3. Recommendations

- 3.1 It is recommended that Committee:
- a) agree to amend standard conditions to reflect the current relevant posts and to note that the Director of Services for Communities will keep this aspect of the standard conditions up to date for each category of licence listed in Appendix 1.
 - b) instructs the Director of Corporate Governance to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P31 - Maintain our City's reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure
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Single Outcome Agreement	SO4 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
Appendices : 1	List of Categories of Licence for which there are Standard Conditions

Appendix 1:

List of Categories of Licence for which there are Standard Conditions

1. Taxi Driver
2. Private Hire Car Driver
3. Taxi Vehicle
4. Private Hire Car vehicle
5. Second-hand Dealer
6. Knife Dealer
7. Metal Dealer
8. Itinerant Metal Dealer
9. Boat Hire
10. Street Trader
11. Market Operator
12. Public Entertainment
13. Indoor Sports Entertainment
14. Late Hours Catering
15. Window Cleaner
16. Sex Shop
17. Skin Piercing and Tattooing
18. Hire Car Booking Office
19. Cinemas
20. Theatres