

# Development Management Sub Committee

Wednesday 4 December 2019

**Application for Planning Permission 19/04508/FUL  
At 69 -71 Marionville Road, Edinburgh, EH7 6AQ  
Demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping.**

**Item number**

**Report number**

**Wards**

B14 - Craigentinny/Duddingston

## Summary

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The proposal complies with the development plan. The development is acceptable in this location and the overall design concept draws upon the positive characteristics of the area. The development is acceptable in terms of its scale, form and design. There will be no unacceptable impact on residential amenity, road safety or air quality. The proposal is acceptable and there are no material considerations that outweigh this conclusion and approval is recommended.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN09, LEN12, LEN16, LEMP09, LTRA02, LTRA03, NSG, NSGD02, NSHAFF,

# Report

## **Application for Planning Permission 19/04508/FUL At 69 -71 Marionville Road, Edinburgh, EH7 6AQ Demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site measures 0.8 hectares and is located on the west side of Marionville Road to the north of the railway line. The site is currently occupied by two vacant business premises, with an extended spur laid out as a car park running alongside the railway.

Access to the site is from Marionville Road, with an adjacent pathway providing access to Lochend Park to the north.

To the north-west of the application site is Lochend Park with the Lochend Butterfly development beyond and to the north-east is Marionville Court Care Home. To the east across Marionville Road is a residential area made up of bungalows. Further south is Meadowbank Stadium and to the south-west across the railway is a recent five storey flatted development with a tenemental area beyond.

The wider surrounding area contains a diversity of uses, although the character is predominantly residential. The mix of uses, along with the varying ages of nearby buildings, has led to some variety in the density of development and architectural styles.

#### **2.2 Site History**

30 March 2006 - Planning permission refused for a residential development of 123 units (as amended) (application number: 05/01609/FUL). The application was refused as the proposal was overdevelopment of the site and was not acceptable in terms of its height, massing and its relationship with its wider surroundings. An appeal against the refusal of planning permission was dismissed on 4 April 2007 following a public inquiry (planning appeal reference: P/PPA/230/860).

1 May 2008 - Outline planning permission refused for the erection of residential units (application number: 07/05327/OUT).

10 November 2014 - Planning permission granted for the demolition of the existing business unit (use class 4), erection of new residential development (use class 9) comprising 34 residential flats with associated landscaping and enabling works (application number: 14/02089/FUL).

5 August 2019 - Planning permission refused for the demolition of two existing business class units and the erection of a new residential development of 120 units. Units are split over 4 apartment buildings, noted as Block A (East Block) Block B (South Block), Block C (West Block) and Block D (North Block), and a terrace of 10 mews houses. Application also concerns car parking, car port and associated landscaping (as amended) (application number: 18/10499/FUL). The application was refused on design and amenity grounds, in particular due to the height of Block D which was overbearing on that part of the park, overshadowed the open space for the care home and impacted significantly on the key view of Arthur's Seat.

## **Main report**

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

The proposal involves the demolition of the existing business units and erection of a residential development comprising 113 units over four apartment blocks and a mews terrace of 10 properties.

Block A is a five storey block comprising 18 one-bedroom; and four two-bedroom flats. Block B is a six storey block with basement comprising: five studio flats; nine one-bedroom flats; 11 two-bedroom flats; and two three-bedroom flats. Block C is a six storey block with basement comprising: four studio flats; eight one-bedroom flats; 11 two-bedroom flats; and three three-bedroom flats. Block D is a five storey block with comprising: five studio flats; five one-bedroom flats; 14 two-bedroom flats and four three-bedroom flats. The 10 mews properties all contain three-bedrooms.

The blocks will be sited around a podium deck with car parking located below at ground level. Car parking includes 68 spaces of which 49 will be provided under deck and 10 car port spaces for the mews (includes four accessible spaces and 10 electric charging point spaces). Nine street spaces are proposed (including one accessible space and two passive provision spaces for electric charging). Seven motorcycle spaces will be provided with five under deck and two on-street. Pedestrian, cycle and vehicular access points are at ground floor level. Bicycle storage is contained in the ground floor footprint of the blocks with direct access from building entrance cores and in Blocks A and D from the under deck car park. Space will be provided for a total of 230 cycles.

Waste provision is catered for through bin stores located close to circulation cores with Blocks A and D having a combined bin store to allow for collection from the main access into the site.

In terms of sustainability, roof mounted solar PV and reduction of energy use through passive measures and building fabric design are proposed in order to deliver a development which meets the Silver Standard with respect to energy for space heating.

Materials are primarily blonde and brown facing brick with acid etched cast stone at ground floor to deck and entrances. Bronze anodised projecting balconies and railings are proposed with bronze tone double glazed windows. Dark toned roof tiles are proposed for the mews properties.

A total of 28 affordable units are to be provided on site (25%) with 22 being provided in block A by a Registered Social Landlord (RSL) with the remainder through golden share.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- the principle of residential development is acceptable in this location;
- the layout, scale and design are appropriate;
- there will be any impact on residential amenity;
- the proposal will give rise to any transport or air quality issues;
- there are any issues in relation to flood prevention;
- there are any issues in relation to trees and landscaping;
- there are any ecological issues;
- the proposed development will be sustainable;
- there are any issues in relation to archaeology;
- there are any issues in relation to adjacent railway;
- there are any other infrastructure requirements; and
- any public comments have been addressed.

## **a) Principle**

The application site is designated as urban area in the Edinburgh Local Development Plan (LDP). Policy Hou 1 (Housing Development) of the LDP permits housing development on sites within the urban area subject to the proposal being compatible with the other relevant policies.

### **Loss of Existing Business Premises**

Policy Emp 9 (Employment Sites and Premises) of the LDP advises that proposals to redevelop employment sites or premises in the urban area will be permitted provided that they meet three criteria: a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use; b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area; and c) if the site is larger than one hectare, the proposal includes floorspace designed for a range of business users.

The surrounding area is predominantly residential and there are no nearby employment uses that would be inhibited by the redevelopment of the site for residential use. Therefore, the proposal complies with criteria a) of Emp 9.

In recent years the wider area around Lochend Park has undergone, and continues to undergo, significant change in terms of redevelopment and regeneration. The adjacent site to the east has been redeveloped with a care home, the former print works on the site across the rail line to the west has been redeveloped for residential use and, most significantly, the extensive regeneration of the Lochend Butterfly site across the park to the north. In addition, the regeneration of the former Meadowbank Stadium has recently begun to the south of the site.

The buildings currently occupying the site are of a functional design with limited architectural merit and no longer relate to their surroundings. The redevelopment of the site is an opportunity to introduce a more appropriate use and a more legible urban form into this space in compliance with criterion b).

The unit to the rear of the site has been vacant for over a decade, which is partly attributable to the area no longer being considered suitable for industrial uses. However, despite the loss of the existing business floorspace, the site is less than one hectare in size and criterion c) is not applicable.

Overall, the loss of the existing business units and the site's redevelopment for residential use is acceptable.

## **b) Design, Scale and Height**

In assessing the scale, design and layout of the proposals, there are design policies contained within the LDP, the Edinburgh Design Guidance and PAN 67 (Housing Quality).

Policies Des 1 to Des 8 of the LDP outline a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the

surrounding area, with the need for high quality design which is appropriate in terms of scale, form, design and layout.

### Design

Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design, or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

PAN 67 (Housing Quality) states that development should reflect its setting and reflect local forms of building and materials. The aim should be to have houses looking unique without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

In assessing this proposal, the building fronting Marionville Road addresses the street by being set behind an area of landscaping in order to provide a sufficient level of privacy and amenity for the ground floor flats. This set-back is acceptable in principle, and still maintains a level of frontage to the road. The height of the building at five storeys along the frontage is higher than surrounding buildings on this side of the railway line, but the set-back allows for the building to sit comfortably within its setting without appearing incongruous.

High density development is encouraged on urban brownfield sites, Block D (the block to the north of the site facing the existing care home) would be approximately 2.5 metres taller than the care home to the north. In turn, the opposing block of the development, Block B, will be 2.85 metres higher than Block D. The provision of a step down in height from south to north reflects the height of the existing developments on either side of the site and helps the proposal to achieve a sustainable urban density while being sympathetic to its surroundings.

The principle of a strong urban edge to Lochend Park is acceptable. The prevailing character around the north-western perimeter of the park is of large scale blocks. This provides a good level of frontage and overlooking. Block D will be located alongside a narrow pedestrian footpath that runs between the site boundary and the curtilage of the care home. This edge provides an opportunity to create a new entrance to the park with windows and balconies on this elevation providing passive overlooking and a sense of security on what is currently a secluded pathway enclosed on either side with metal security fencing.

Block C, at the rear of the site, has a similar relationship with Lochend Park as the Lochend Butterfly site to the north. Consequently, the height of this elevation has been increased to address the wider park in the same way as the Butterfly development. The height of the proposal will not be as tall as the nearby residential blocks in the Butterfly development but will provide a positive urban edge that will help to enliven a currently unwelcoming corner of the park.

A mix of units is provided in the proposal, including 103 flats and 10 mews properties. Policy Hou 2 (Housing Mix) of the LDP seeks the provision of a mix of house types and sizes where practical. The Edinburgh Design Guidance recommends that 20% of the total units should have three or more bedrooms. Including the mews, the proposal contains 18 three bed properties which equates to 17%, which is below the recommended number. This is a marginal infringement of the guidance and does not justify the refusal of the application.

The materials are proposed to be facing brick with dark roof tiles and bronze coloured windows and balconies. Although there are no brick buildings within the vicinity, there is a range of materials including render, stone and timber. The materials are acceptable in principle.

The boundary treatment to the park will be a 1.2 metre high vertical bar fence that will provide a solid boundary but will not be imposing in terms of its appearance.

The overall design concept draws upon the positive characteristics of the area, as required under LDP policy Des 1 (Design Quality and Context). It also complies with the aims of PAN 67 as the proposal reflects the qualities and characteristics of the area.

### Scale and Height

LDP Policy Des 4 (Development Design - Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to: height and form, scale and proportions, including the space between the buildings, position of the buildings and other features on the site, materials and detailing.

The site is adjacent to the former Powderhall rail link, which marks a clear change in character in the locality moving from high density tenemental developments to lower density bungalows, all of which provide a positive frontage onto Marionville Road. The development is located within the area to the north of the railway line where it is lower density. The existing care home building to the immediate north of the application site has less of a positive frontage to Marionville Road, but responds well to the topography of the site by having a lower prevailing building height and is set back to provide a landscaped frontage.

The proposed development seeks to reflect the set-back of the care home and the change in character by not immediately abutting the street. The development proposes an angled frontage and landscaping onto Marionville Road with Block A set further back to reduce its visual impact and to create a more coherent entrance to the park.

The scale and massing take cognisance of its surroundings and provides a step between the tenement area and the care home to reflect the local change in urban form and character. The proposed mews houses are of an appropriate design and make efficient use of the space on that part of the site.

In further assessing the height and scale of the proposal, policy Des 11 (Tall Buildings - Skyline and Key Views) of the LDP states that planning permission will only be granted for development which rises above the prevailing building height where the scale is

appropriate in its context and there would be no adverse impact on important views. The EDG contains a study of key views and skylines and identifies key view E9a as Arthur's Seat from Lochend Park upper level and Lochend Road South. The scale of the proposed development will have an impact on the lower section of the identified key view. However, the height of the development has considered the key view and views of the upper parts of Arthur's Seat will be retained.

Overall, the proposal is an acceptable scale and mass for an urban infill site. It will make a positive contribution to its surroundings and will preserve the key view from the upper level of the park. Therefore, the development complies with policies Des 4 and Des 11.

### **c) Amenity**

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

#### Amenity of Neighbours

A Daylight and Sunlight Assessment (DSA) has been submitted in support of the application. The DSA measures the impact of the development on the level of Vertical Sky Component (VSC) for the neighbouring developments. Of the neighbouring buildings evaluated, all residential elevations fully complied with the BRE guidance and the EDG in relation to the VSC.

A daylighting/shadow study has been submitted in support of the application. The study shows that the care home's garden area where it lies adjacent to the development will be overshadowed for part of the day. However, the care home has a larger garden area around its curtilage, and in-particular has two well maintained central courtyard gardens. The increased area of overshadowing is not significant, particularly in the summer months, and the impact is acceptable.

The closest neighbour to the development will be the care home. The windows of the development will be approximately 24 metres from the care home at its nearest point. Similarly, the window to window distances to the properties on Marionville Road will be 35 metres, 45 metres to the flats on Dalgety Road from Block B and 28 metres from the flats on Dalgety Road to the mews properties. As a result, there are no issues in relation to privacy.

#### Amenity of Future Occupants

In terms of the amenity of future residents within the proposed development, daylight analysis has been submitted that demonstrates that all of the units will receive adequate daylight when assessed using the no sky line method. This is in compliance with the EDG.

Open space for the flats is provided in three separate areas: at the front of the site overlooking Marionville Road; the central courtyard deck; and at the north of the site adjacent to the gables of blocks C and D. The mews are given a separate area at the

east of the site. Across the site approximately 40% of the area will be provided as green space. This is in excess of 10 sq/m per flat and the minimum requirement for 20% open space across the development as specified in policy Hou 3.

The EDG advises that half the area of new garden spaces should be capable of receiving potential sunlight for more than three hours during the spring equinox. The DSA shows that the central landscaped courtyard will be significantly overshadowed for much of the day and at no point will more than 50% of the area receive sunlight at the spring equinox. In addition, the communal greenspace between the gables of blocks C and D will also receive inadequate sunlight. While some of the green spaces within the site will not receive sunlight in line with the guidance, the development is an appropriate urban form in this location and is in the immediate vicinity of Lochend Park. Residents of the development will not suffer from a lack of amenity due to the failure to comply with this part guidance and refusal of the application is not justified on this basis.

The EDG also includes recommended internal floor areas for flat sizes. All the units meet the minimum internal floor area requirements.

A Noise Impact Assessment (NIA) has been submitted in support of the application. Although the railway line is not currently operational, for the purposes of the NIA it has been modelled as if it were. The NIA makes a number of recommendations on façade construction and ventilation provisions to ensure that residential amenity will be protected. Environmental Protection has confirmed that the noise mitigation proposals are acceptable, subject to a suitable condition.

Overall, the proposal will provide adequate daylight to all new units within the development. In terms of sunlight, the area of overshadowing created by the building will affect the amenity of future residents in terms of its impact on the open space within the site. However, this impact is mitigated to some extent due to the site's location adjacent to Lochend Park. The area of overshadowing to the care home garden will not have an unacceptable impact on the amenity of the residents. There are no other amenity issues arising as a result of the development.

#### **d) Transport and Air Quality**

##### **Transport**

The two existing entrances to the site will be retained, one also serves as the pedestrian access to the park and the other will be the main vehicular access to the development. There will be a total of 68 car parking spaces provided on site, five of which will be spaces for disabled people, with a further seven spaces allocated for motorcycle parking. Policy Tra 2 (Private Car Parking) advises that lower provision will be pursued subject to a number of factors, including the site's accessibility and proximity to local amenities. The site is well located within convenient walking distance of bus stops, cycle routes and local amenities. Therefore, the level of car parking provided is adequate for a development of this nature and complies with Tra 2.

Parking for 49 vehicles will be provided in an enclosed car park at ground floor level, beneath the landscaped deck. The mews properties will be provided with a covered car port with space for 10 cars. The remainder of the spaces will be interspersed

throughout the development. The location of the car parking is acceptable and is in compliance with policy Tra 4 (Design of Off-Street Car and Cycle Parking).

A total of 230 cycle parking spaces will be provided within secure locations on the ground floor within the apartment blocks. The level of cycle parking provision is in compliance with policy Tra 3 (Cycle Parking).

Overall, the transport measures are acceptable and in accordance with LDP policy and guidance.

### Air Quality

An Air Quality Impact Assessment (AQIA) has been submitted in support of the application. As part of the AQIA, dispersion modelling was undertaken to quantify existing pollutant concentrations at the site and to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the proposals.

Predicted impacts on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations as a result of operational phase exhaust emissions were predicted to be negligible at all sensitive receptor locations considered. The overall significance of potential impacts was therefore determined to be not significant, in accordance with the Environmental Protection Scotland guidance.

### **e) Flood Prevention**

A Flood Risk Assessment and a Surface Water Management Plan have been submitted in support of the application. The Council's Flood Prevention Team has confirmed that the proposed drainage and surface water management arrangements for the site are acceptable and will ensure compliance with policy Env 21 (Flood Protection).

### **f) Trees and Landscaping**

The proposal includes the removal of a number of trees from within the site and in the southern corner of Lochend Park. In total, four trees will be removed from within the site and 13 trees from the park. The close planting of the trees has created a dense canopy and most display suppressed crown development. As a result, the trees to be removed have been ascribed as low or unsuitable retention category. Therefore, their loss is acceptable and complies with policy Env 12 (Trees). The Council's Parks and Greenspaces function has previously advised that the management of the trees in this area would be supported. However, the nature and extent of any works to the trees within the park will first require to be approved by Parks and Greenspaces and this will be controlled via a condition.

### **g) Ecological Issues**

Policy Env 16 (Species Protection) advises that planning permission will not be granted for development that would have an adverse impact on species protected under law. The existing buildings on site are considered to have moderate potential to support roosting. Therefore, a bat roost emergence/re-entry survey was carried out in August and September 2018. The survey recorded no bats exiting or re-entering the buildings

on site at that time. However, it was noted that bats were detected foraging and commuting in the vicinity of the buildings. As a precaution, an informative is required to ensure that during demolition works, operatives should be made aware of the potential for the buildings to harbour bat roosts and should stop working and contact a suitably qualified ecologist if any bats are seen entering or exiting the buildings.

A Preliminary Ecological Appraisal has also been submitted in support of the application. Giant Hogweed was noted as being evident on site and it is recommended that, prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of giant hogweed on site.

No evidence of any other legally protected or notable species of conservation concern was noted during the survey. Consequently, any other such species is considered to be unlikely to be present on or in the vicinity of the site.

### **h) Sustainability**

The applicant has completed a sustainability form in support of the application, which confirms that the following sustainability criteria have been achieved:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

In addition to the essential criteria, the applicant has provided a commitment to further sustainability measures, including the use of a roof mounted solar PV panels and achieving a silver or gold standard when assessed against building standards Section 7 (Sustainability).

The sustainability measures meet the requirements of policy Des 6 (Sustainable Buildings) of the LDP and the Edinburgh Design Guidance and are acceptable.

### **i) Archaeology**

The site has been identified as occurring within an area of archaeological significance. Therefore, a condition will be required to ensure that no development takes place on site prior to a programme of archaeological works being undertaken.

### **j) Impact on the Railway**

Network Rail has been consulted on the application and advised that they have no objections to the application subject to a condition requiring the provision of a 1.8 metre high fence adjacent to Network Rail's boundary.

### **k) Other Infrastructure Requirements**

## Affordable Housing

A total of 28 affordable units are to be provided on site with 22 units being provided by a Registered Social Landlord and located in block A. The remainder will be provided through golden share/shared equity within the other blocks. The precise location of these units is to be agreed. The affordable housing units will be subject to a legal agreement.

## Communities and Families

This site falls within the 'Leith Trinity Education Contribution Zone' of the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The impact of the proposed development on the identified education infrastructure actions and current delivery programme has been assessed, as set out in the guidance. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that are anticipated should the proposal progress.

The proposed development is therefore required to make a contribution towards the delivery of these actions.

The required contribution should be based on the established contribution figures of £980 per flat and £6,536 per house (indexed to the date of payment). This equates to a total education contribution of £113,380 for the proposed 49 flats (discounting studios and 1 beds) and 10 mews. The contributions will be sought via a legal agreement.

## Primary Healthcare

This site falls within the 'Brunton Health Care Zone' of the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The impact of the proposed development on the identified primary healthcare infrastructure actions and current delivery programme has been assessed, as set out in the guidance.

The required contribution is based on the established contribution figure of £945 per dwelling (indexed to the date of payment). This equates to a total primary healthcare contribution of £106,785 for the proposed 113 units. The contributions will be sought via a legal agreement.

## **I) Public Comments**

### Material objections

- The development is too tall - assessed in section - 3.3(b);
- The proposal will block light to neighbouring residential properties - assessed in section - 3.3(c);
- The proposal will block light to the neighbouring care home - assessed in section - 3.3(c);
- The development has a slab-like frontage - assessed in section - 3.3(b);
- Impact on the privacy of properties on Dalgety Road - assessed in section - 3.3(c);
- Not adequate space for the mews houses - assessed in section - 3.3(b);
- Mews houses will be detrimentally impacted if the railway is reinstated - assessed in section - 3.3(c); and

- Impact on local wildlife - assessed in section - 3.3(g).

## **CONCLUSION**

The proposal complies with the development plan. The development is acceptable in this location and the overall design concept draws upon the positive characteristics of the area. The development is acceptable in terms of its scale, form and design. There will be no unacceptable impact on residential amenity, road safety or air quality. The proposal is acceptable and there are no material considerations that outweigh this conclusion and approval is recommended.

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

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

1. No development shall take place until, a detailed landscaping plan which will include the management of the trees within Lochend Park and any necessary compensatory planting will be submitted and approved by the planning authority in consultation with the Council's Parks and Greenspaces function.
2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. Prior to the commencement of development, details of a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal will be submitted and approved by the planning authority.

The approved fence will be fully implemented prior to the first occupation of the development.

5. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
6. a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

7. The following noise protection measures to the proposed development as defined in the Acoustic Consultant Limited report (Ref 7530), dated September 2019:

- Glazing units with a minimum insulation value of 4mm/12mm/6mm double glazing shall be installed for the external doors and windows Block A (façade B), Block B (Façade C & D), Block C (Façade G), and Block D (Façade E).

- Glazing units with a minimum insulation value of 4mm/16mm/6mm double glazing shall be installed for the external doors and windows of Block A (Façade A). 30

- Glazing units with a minimum insulation value of 10mm/16mm/8.4mm double glazing shall be installed for the external glazing to Block 'Mews' (façade J).39

- Ventilators with a minimum sound insulation value of 30Db new shall be installed for the externals of Block A (Façade B), Block B (Façade D) and Block C (Façade G).

- Ventilators with a minimum sound insulation value of 32Db new shall be installed for the externals of Block D Façade E.

- Ventilators with a minimum sound insulation value of 37Db new shall be installed for the externals of Block B Façade C.

- Ventilators with a minimum sound insulation value of 40Db new shall be installed for the externals of Block A (façade A) and Block 'Mews' (Façade J).

shall be carried out in full and completed prior to the development being occupied.

**Reasons: -**

1. The approved landscaping scheme, including works to the trees within Lochend Park, shall be fully implemented within six months of the completion of the development.

2. In order to ensure that the approved landscaping works are properly established on site.

3. In order to enable the planning authority to consider this/these matter/s in detail.

4. In the interests of public safety and the protection of Network Rail infrastructure.

5. In order to safeguard the interests of archaeological heritage.

6. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
7. In order to protect the amenity of the occupiers of the development.

## **Informatives**

It should be noted that:

1. **LEGAL AGREEMENT:** Permission shall not be issued until a suitable legal agreement has been concluded to ensure relevant financial contributions are made toward local schools and healthcare provision. The agreement shall also cover affordable housing provision.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

5. The applicant will be required to contribute:

- a. the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
- b. the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
- c. the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.

6. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of a car club vehicle in the vicinity of the site. A contribution the sum of £5,500 per car and £1,500 per order would be required. This does not require to be included in any legal agreement.

7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks,

verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. It is expected that the mews access will be included as a 'footway' under the Road Construction Consent and will be constructed to carriageway standard to accommodate emergency service vehicles.

8. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent including Stage 2 Road Safety Audit and Designer's Response.

9. A draft travel plan is set out in the submitted Transport Assessment. The applicant should consider developing including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

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

11. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.

12. It is noted that the proposed mews parking is under a canopy in close proximity to the proposed carriageway. The applicant should note that any canopy or similar structure must be a 0.5m in from the carriageway edge.

13. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

14. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority. It is understood that underground attenuation / storage is proposed for the site. The applicant should note that neither the Council or Scottish Water are likely to accept maintenance responsibility for such infrastructure and that the maintenance responsibility should be clearly identified.

15. It is noted in the Waterco Flood Risk Assessment & Drainage Review that drainage assets are intended to be adopted by Scottish Water. Agreement should be obtained from Scottish Water with regard to the design and that they are willing to adopt this infrastructure prior to start of construction works.

16. Clearance of vegetation and or structures from the proposed construction area has the potential to disturb nesting birds; therefore, clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed (no more than 48 hours prior to works) by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

17. As a precaution during demolition works, operatives should be made aware of the potential of the buildings to harbour bat roosts and should stop works immediately and contact a suitably qualified ecologist if any bats are seen entering or exiting the buildings.

18. Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

19. Network Rail recommends that all buildings should be situated at least 2 metres from the railway boundary. The applicant must ensure that the construction and subsequent maintenance of any proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

20. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

o Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW  
Tel: 0141 555 4352  
E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)

21. All residential parking spaces highlighted as Electric Vehicle spaces on ground floor and lower ground floor drawings shall be served by a minimum 7Kw (32amp) Type 2

electric vehicle charging socket. This shall be installed and operational in full prior to the development being occupied. As per Drawing numbers (PL)008 & (PL) 008 both dated 16/09/2019.

22. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

23. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

24. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

25. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

26. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

27. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

28. This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

29. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

## **Financial impact**

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

The application is subject to a legal agreement for developer contributions.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

The application was advertised on 30 September 2019. A total of eight objections and one neutral comment were received from members of the public.

A summary of the comments is contained in the assessment.

## **Background reading/external references**

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

**Statutory Development****Plan Provision**

The site is designated as urban area in the Edinburgh Local Development Plan.

**Date registered**

23 September 2019

**Drawing numbers/Scheme**

01 - 44,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alexander Gudgeon, Planning officer

E-mail:alexander.gudgeon@edinburgh.gov.uk Tel:0131 529 6126

**Links - Policies**

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

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

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

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

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

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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

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

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

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

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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

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

## **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

**Non-statutory guidelines** - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

# Appendix 1

## **Application for Planning Permission 19/04508/FUL At 69 -71 Marionville Road, Edinburgh, EH7 6AQ Demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping.**

### **Consultations**

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#### **Archaeology**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of two existing business class units and the erection of a new residential development of 125 units. Units are split over 4 apartment buildings, noted as Block A (East Block) Block B (South Block), Block C (West Block) and Block D (North Block), and a terrace of 10 mews houses. Application also concerns car parking, car port and associated landscaping.*

*The site lies across the southern end of Lochend Park centred upon the historic Lochend Loch and the historic landscape surrounding Restalrig House situated on a high ground overlooking the eastern side of the Loch. Lochend Loch appears to have been formed after the last Ice Age and has been a focus for settlement and activity since this period. Historic mapping indicates that the current loch has been infilled since the 19th century to form the current park. The discovery of deep peat deposits from boreholes undertaken on this site in 2004 by Holequest indicates that historically the Loch appears to have extended under the western part of the application site, with the business units potentially overlying its shore.*

*Accordingly, this site has been identified as occurring within an area of archaeological historic and archaeological significance. This application must be considered therefore under terms the Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*The results from the 2004 geotechnical bore holing have demonstrated that the site overlies historic peat deposits formed during the natural infilling of the Loch in prehistory. Such deposits are archaeologically important as they can provide significant information regarding historic environmental changes and land uses going back into prehistory, perhaps as far back as the last Ice-Age c. 12,000BC. In addition, it is possible that later archaeological deposits may have survived on site associated with the use of the nearby Restalrig Estate.*

*It is recommended that prior to development that a programme of archaeological works is undertaken to, record, analyse and date these Palaeo-loch deposits and any associated deposits. It is recommended that the following condition is attached to ensure the undertaking of this required programme of archaeological works;*

*'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

## **Affordable Housing**

### *1. Introduction*

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

*Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.*

### *2. Affordable Housing Provision*

*This application is for a development consisting of 113 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council:*

- The tenure of the affordable housing must be agreed by the Council and;*
- The Council will identify the Registered Social Landlord(s) (RSLs) to take forward the affordable homes and deliver a well integrated and representative mix of affordable housing on site.*

*The applicant has stated that onsite affordable housing for an RSL will account for 22 of the required affordable homes to be provided on site. The remainder will come forward as Golden Share housing.*

*Based upon discussion with the developer and the RSL, this department is satisfied the integration of on-site affordable housing provision within the development was*

*incorporated from an early stage of the design process. Early discussions with the RSL, Places for People shaped the decisions taken within the proposals. The site is located close to transport networks and health facilities and Places for People have therefore proposed to deliver housing for older people.*

*Accessibility generally and access to Block A in particular was a key requirement. The positioning of Block A will provide easy access to public transport and local amenities. This block would offer level access for the residents from Marionville Road. This would not be possible for Blocks B and C as the entrance to these buildings is located a full storey lower than Marionville Road.*

*The housing department requested that the applicant look again at their designs to incorporate all affordable housing for an RSL and to do that within a single block.*

*Dandara tried to fit all of the AH in one block, but for various reasons (outlined in a submitted 030519 CDA AH Design Statement PDF attached) this wasn't possible. Largely due to the topography, surrounding heights, and irregular shape of the site.*

*For the balance, the remaining homes are likely to be provided as a Golden Share housing, dependent upon sales values at the time of completion. A valuation report by Rettie has indicated that Golden Share will be viable at this location at the time of completion.*

*Despite the mixture of provision, the majority will be housing for older people for an RSL and because of this, the proposals are supported by this department.*

*The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.*

### *3. Summary*

*The applicant has made a commitment to provide 25% affordable housing, with 22 homes for older people to be provided on-site and the remaining as golden share and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.*

- The applicant is requested to enter into an early dialogue with the Council who will identify Registered Social Landlord(s) (RSLs) to deliver the affordable housing*
- The tenure of the affordable housing must be agreed with the Council*
- The affordable housing must include a variety of house types and sizes to reflect the provision of homes across the wider site*
- All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards*
- In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*

- *The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

## **Communities and Families**

*The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.*

*In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).*

*Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).*

### *Assessment and Contribution Requirements*

*Assessment based on:*

*10 Houses*

*49 Flats (54 one bedroom / studio flats excluded)*

*This site falls within Sub-Area LT-1 of the 'Leith Trinity Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.*

*The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.*

*If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.*

*Total infrastructure contribution required:*

*£113,380*

*Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.*

## Economic Development

*The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 19/04508/FUL for the development of 113 residential units at 69-71 Marionville Road, Edinburgh.*

*The application relates to a 0.80-hectare site bounded by Lochend Park and Marionville Court care home to the north; Marionville Road to the east; a railway line and substation to the south; and Lochend Park to the west. The site is currently occupied by two adjoining industrial buildings totalling 4,390 sqm (gross). The buildings have been used for multiple different purposes, most recently as a warehouse and tai chi centre respectively. The site also includes a strip of hardstanding land used for parking.*

*The potential economic impact of the existing buildings can be estimated. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that industrial and manufacturing buildings support on average one full-time equivalent employee per 36 sqm (gross). This suggests that the existing buildings could be expected to directly support approximately 122 FTE jobs if fully occupied (4,390 / 36). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the manufacturing sector in Edinburgh is £56,344 per employee (2017 prices). This suggests that the existing buildings could be expected to add approximately £6.87 million of gross value added to the economy of Edinburgh per annum (2017 prices) if fully occupied (£56,344 x 122). It is recognised that the buildings have in recent years not been used intensively and have been used for lower-value uses such as storage.*

*There are pressures on the supply of industrial space in Edinburgh due to an ongoing loss of space to alternative uses and a weak development pipeline. However, it is recognised that the units in question are of advanced age. The proximity to the care home that has been developed to the north means that this area is unlikely to be suitable for industrial activities, while the site is not strategically located in terms of access to the motorway network. The surrounding area is dominated by residential uses along with Meadowbank Sports Centre. The net loss of employment space is nonetheless unfortunate; however, as the site is below one hectare, policy EMP 9 of the Local Development Plan applies, and there is therefore no requirement for additional class 4 space to be provided as part of the redevelopment.*

*Commentary on proposed uses the application proposes the clearance of the existing site and its comprehensive redevelopment to deliver four blocks of five-seven storeys containing a total of 103 flats, along with a row of 10 mews houses.*

*- Class 9 - Houses / Sui generis - Flats The development as proposed would deliver 113 houses and flats. These would not be expected to directly support any economic activity. However, the units could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 113 houses and flats could be expected to collectively spend approximately £2.89 million per annum. Of this £2.89 million, it is estimated that approximately £1.49 million could reasonably be expected to primarily be made within Edinburgh. This £1.49 million could be expected to directly support approximately 13 FTE jobs and £0.48 million of GVA per annum (2017 prices), primarily in the hospitality and retail sectors.*

*Overall economic impact the development as proposed would result in the loss of two industrial buildings totalling 4,390 sqm (gross). It is estimated that the total economic impact of these buildings if fully occupied for industrial/manufacturing purposes would be approximately 122 FTE jobs and £6.87 million of GVA per annum (2017 prices).*

*The development as proposed would not be expected to directly support any jobs, but it is estimated that it could support approximately 13 FTE jobs and £0.48 million of GVA per annum (2017 prices) via the impact of household expenditure.*

*Other considerations The site abuts the now disused railway line leading to the Powderhall Waste Transfer Station. There are proposals to convert this railway line into a cycle path, and there may be scope in future for the site to link to this.*

## **SUMMARY RESPONSE TO CONSULTATION**

*It is estimated that the proposed development would support approximately 13 FTE jobs and £0.48 million of GVA per annum (2016 prices) via the impact of household expenditure. By comparison, it is estimated that the current buildings on the site could, if fully occupied for industrial/manufacturing uses, support approximately 122 FTE jobs and £6.87 million of GVA per annum (2017 prices).*

*The loss of 4,390 sqm employment space with no replacement space provided is regrettable. However, it is recognised that the buildings in question are of advanced age and in an area unsuited for industrial uses and that, as the site in question is below one hectare, policy EMP 9 of the Local Development Plan does not apply.*

*This response is made on behalf of Economic Development.*

## **Edinburgh Urban Design Panel**

### *1 Recommendations*

*The Panel recognised that the proposals were at an early stage in the design process and welcomed the opportunity to review them at this juncture.*

*In developing the proposals, the Panel suggested the following matters be considered:*

- *Land use, density and mix;*
- *Layout, design, scale, and amenity;*
- *Public realm and landscaping;*
- *Access, parking and servicing;*
- *Materials;*
- *Sustainability;*
- *Safety and security; and*
- *Views.*

## 2 Introduction

*It is anticipated that an application will be submitted for full planning permission for the demolition of the existing structures on the site and the erection of a residential development at 69-71 Marionville Road, EH7 6AQ.*

*The site measures 0.8 hectares and is located on the west side of Marionville Road to the north of the railway line. The site is currently occupied by two vacant business premises with an extended spur laid out as a car park running alongside the railway.*

*Access to the site is from Marionville Road with an adjacent pathway providing access to Lochend Park to the north.*

*To the north and west of the application site is Lochend Park and to the north-east is Marionville Court Care Home. To the east across Marionville Road is a residential area made up of bungalows. Further south is Meadowbank Stadium and to the south-west across the railway is a recent five storey flatted development with a tenemental area beyond. The wider area contains a diversity of uses, although the character is predominantly residential.*

*This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.*

*No declarations of interest were made by the Panel.*

## 3 Planning Context

*The site is located within the urban area as identified in the Edinburgh Local Development Plan (LDP). The development will have to ensure compliance with the relevant policies of the LDP.*

*Relevant planning history for this site is set out as follows:*

*10 November 2014 - Planning permission granted for demolition of existing business unit (use class 4), erection of new residential development (use class 9) comprising 34 residential flats with associated landscaping and enabling works (application number: 14/02089/FUL).*

*1 May 2008 - Outline planning permission refused for the erection of residential units (application number: 07/05327/OUT).*

*30 March 2006 - Planning permission refused for a residential development (as amended) (application number: 05/01609/FUL). Appeal dismissed on 4 April 2007.*

## 4 Panel Comments

*The Panel welcomed the opportunity to review the proposals and acknowledged that they are at an early stage in the design process.*

### *Land Use, Density and Mix*

*The Panel agreed that this is an appropriate site for housing subject to careful design.*

*The Panel noted that the proposed density is similar to the previously refused application for 123 residential units (application number: 05/01609/FUL). The Panel agreed that the proposal's impact on the environment and its relationship to the wider context needs to be carefully considered to ensure that it does not result in overdevelopment.*

*The Panel raised concerns about the separation of the affordable and market housing and urged the design team to explore mixing the tenures across the site to promote greater social inclusion. The Panel agreed that if this cannot be achieved, ensuring that the housing is tenure-blind will be critical.*

### *Layout, Design, Scale and Amenity*

*The Panel agreed that the site constraints and topography should be used to inform the proposal.*

*The Panel stated that the proposed layout appears fragmented, particularly with regard to the two flatted blocks. The Panel emphasised that social interaction across the site should be maximised through a more coherent design. The Panel agreed that the buildings and spaces should talk to each other which would assist in creating a sense of place. The Panel suggested that the two flatted blocks could be reoriented so that they face onto a shared communal space.*

*The Panel did not support the emerging height and mass of the flatted blocks and were in agreement that they appeared to be too large and therefore out of context with this part of the street particularly in relationship to the adjacent bungalows. The Panel acknowledged that articulation in the design of the blocks could assist in reducing their bulkiness but strongly recommended that the height of the blocks be reduced.*

*The Panel suggested that design cues for the buildings could be taken from the old printing works previously situated on the site.*

*The Panel was keen for the design team to explore ways to articulate the roofscapes, which could include the incorporation of roof terraces.*

*The Panel raised concerns about the proximity of the mews houses to the railway due to the potential adverse impacts on residential amenity, particularly from vibrations and noise. The Panel stated that due to the limited width of this part of site and the potential requirement for acoustic fencing, the quality and size of the gardens are likely to be quite poor. The Panel noted that the use of toxic herbicides on the railway tracks may also be an issue and this should be investigated in relation to air quality.*

*The Panel emphasised the importance of considering the microclimate created by the positioning and orientation of the buildings. This concern was raised particularly in relation to impacts of overshadowing of amenity space from the buildings and from prevailing winds, and also on the level of daylight and sunlight into flats. The Panel agreed that spaces should be orientated to receive maximum sunlight and daylight with shelter provided from surrounding buildings.*

*The Panel suggested that the proposal should incorporate a higher proportion of dual aspect flats to improve amenity for future residents. The Panel also raised concern about the daylight, sunlight and privacy of the flats facing into the courtyard within the U-shaped block and urged the design team to explore the reconfiguration of this block to maximise amenity.*

### *Public Realm and Landscaping*

*The Panel felt strongly that the public realm and landscaping should facilitate social interaction, permeability and coherence across the development. The Panel recognised the challenges of the site's topography and were keen for the design team to explore creative ways to form useable space which is accessible to all.*

*The Panel welcomed the proposal to connect into Lochend Park. The Panel proposed that instead of using the narrow strip of land adjacent to the park for mews housing, it could be used for allotments or another type of landscaped space. This arrangement may create greater opportunities to enhance permeability into the park and bring the character of the park into the site. Planting on this part of the site would also provide a natural buffer to the railway.*

*Whilst it was acknowledged that the park is out with the site boundary, the Panel was keen for a Tree Management Plan to be created which includes the existing park trees. The park trees add character and containment to the site and should be enhanced where possible.*

*The Panel was concerned about the raised deck courtyard with undercroft car parking associated with the U-shaped block. The Panel felt that this could result in an inactive ground level and separation of a key communal space from the rest of the development. Alternative solutions should therefore be explored.*

*The Panel suggested that the northern boundary adjacent to the care home could be strengthened with tree planting to enhance the containment of the site in this area.*

### *Access, Parking and Servicing*

*The Panel was concerned that the development appeared to be car-dominated resulting mainly from the proposed vehicle circulation, which would take traffic through the site. It advised that going forward, the proposal should focus on facilitating 'street life' with pedestrian priority then cycle access above the movement and parking of cars. An assessment of the wider context including links to public transport should be undertaken which may help to justify a reduction in car parking.*

*The Panel considered that the width of the splay on the site's north-western access could be reduced to improve the quality of the pedestrian experience. It was acknowledged that the levels are challenging in relation to access into the site and the Panel suggested that it would be useful to explore alternatives. This may subsequently result in a reconfigured and increased provision of open space.*

*The Panel was keen to ensure that the circulation/turning of vehicles does not prejudice pedestrian or cyclist safety. The waste management strategy should be defined at an early stage to avoid any conflicts, especially due to the level changes.*

### *Materials*

*The Panel suggested that materials could be informed by the site's history in relation to the old printing works.*

### *Safety and Security*

*The Panel advocated early engagement with Police Scotland regarding site security and the incorporation of Secure by Design principles. Particular concern was raised about the safety and security of the undercroft parking.*

### *Sustainability*

*The Panel encouraged the design team to adopt BREEAM standards set out for residential developments. The Panel suggested that some of the design constraints could be resolved by applying the BREEAM standards.*

### *Views*

*The Panel agreed that further assessment was needed on the proposal's impact on key views.*

## **Environmental Protection**

*The applicant proposes developing 113 residential units over 4 apartment buildings and a terrace of mews houses with associated infrastructure and 76 proposed parking spaces. Environmental Protection have made comment on a very similar proposal without object subject to conditions (18/10499/FUL).*

*Commercial/industrial buildings currently occupy the site. The proposal for the buildings to be demolished. The site is within a mixed used area with residential dwellings to the north east, the Lochend Youth Football Club to the north, Marionville Road to the east, and the disused Powderhall railway line within a cutting to the south.*

*The applicant has submitted a supporting noise and air quality impact assessment. The noise impact assessment has identified that noise mitigation measures will be required to ensure satisfactory internal noise levels can be achieved. Conditions will be recommended regarding the required acoustic glazing and trickle vents.*

*The applicants air quality impact assessment has identified that construction phase mitigation will be required to protect neighbouring residents. Due to the relative short time period of construction Environmental Protection shall recommend an informative is attached to any consent. It is also noted that the applicant is proposing 76 car parking spaces which is a small increase from the existing use (72 spaces). Environmental Protection would strongly recommend that the applicant includes a provision for electric vehicle charging points at least in accordance with the Edinburgh Design Standards which would equate to 13 electric vehicle charging points being installed. The minimum*

*standard of charger that should be installed would be 7Kw (32 amp) Type 2 charger. The applicant has highlighted where the spaces will be allocated on the lower ground floor and ground floor plans. Environmental Protection shall recommend a condition is attached to ensure these are installed. Environmental Protection would recommend that all other spaces have charging points installed.*

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

*Therefore, Environmental Protection offer no objection subject to the following conditions;*

#### *Conditions*

*1. Prior to the commencement of construction works on site:*

*a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*

*b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.*

*ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.*

*2. The following noise protection measures to the proposed development as defined in the Acoustic Consultant Limited report (Ref 7530), dated September 2019:*

*- Glazing units with a minimum insulation value of 4mm/12mm/6mm double glazing shall be installed for the external doors and windows Block A (façade B), Block B (Façade C & D), Block C (Façade G), and Block D (Façade E).*

*- Glazing units with a minimum insulation value of 4mm/16mm/6mm double glazing shall be installed for the external doors and windows of Block A (Façade A). 30*

- *Glazing units with a minimum insulation value of 10mm/16mm/8.4mm double glazing shall be installed for the external glazing to Block 'Mews' (façade J).39*
- *Ventilators with a minimum sound insulation value of 30Db new shall be installed for the externals of Block A (Façade B), Block B (Façade D) and Block C (Façade G).*
- *Ventilators with a minimum sound insulation value of 32Db new shall be installed for the externals of Block D Façade E.*
- *Ventilators with a minimum sound insulation value of 37Db new shall be installed for the externals of Block B Façade C.*
- *Ventilators with a minimum sound insulation value of 40Db new shall be installed for the externals of Block A (façade A) and Block 'Mews' (Façade J).*

*shall be carried out in full and completed prior to the development being occupied.*

*3. All residential parking spaces highlighted as Electric Vehicle spaces on ground floor and lower ground floor drawings shall be served by a minimum 7Kw (32amp) Type 2 electric vehicle charging socket. This shall be installed and operational in full prior to the development being occupied. As per Drawing numbers (PL)008 & (PL) 008 both dated 16/09/2019.*

#### *Informative*

- a) *The applicant should install at least thirteen 7Kw (32amp) Type 2 electric vehicle charging points.*
- b) *All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*
- c) *The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*
- d) *Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*
- e) *Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*
- f) *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*

g) *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*

h) *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*

i) *No bonfires shall be permitted.*

## **Flood Prevention**

1. *The certificates received have been split below, with Dandara listed as the author on the SWMP and no checker on the FRA. Please can these be revised and resubmitted.*

*Certificate A1 Drainage Strategy- Received from Dandara and accepted.*

*Certificate B1 Drainage Strategy- Received from Waterco and accepted.*

*Certificate A1 FRA - Received from Waterco and accepted*

*Certificate B1 FRA- Still outstanding*

2. *It is noted in the Waterco Flood Risk Assessment & Drainage Review that drainage assets are intended to be adopted by Scottish Water. Agreement should be obtained from Scottish Water with regard to the design and that they are willing to adopt this infrastructure prior to start of construction works.*

3. *It has not been explicitly stated how the 92.467m<sup>3</sup> identified as flooding in the Dandara Causeway Flow Design report has been addressed. I note that the storage volume has been increased from ~120m<sup>3</sup> to ~192m<sup>3</sup>. The applicant should confirm if the increase in volume overcomes the flooding issue identified in the Dandara report.*

## **Network Rail**

*Thank you for consulting Network Rail regarding the above development.*

*Whilst Network Rail has no issues with the principle of the proposed development, we would have to object to the proposal unless the following conditions were attached to the planning permission, if the Council is minded to grant the application:*

1. *The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.*

*Reasons: In the interests of public safety and the protection of Network Rail infrastructure.*

*Network Rail would also recommend that the following matters are taken into account and are included as advisory notes, if granting the application:*

*Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.*

*Network Rail recommends that all buildings should be situated at least 2 metres from the railway boundary. The applicant must ensure that the construction and subsequent maintenance of any proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.*

*Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.*

- *Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.*

*The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:*

*Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW  
Tel: 0141 555 4352  
E-mail: AssetProtectionScotland@networkrail.co.uk*

*We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.*

## **Roads Authority Issues**

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

1. *The applicant will be required to contribute:*
  - a. *the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
  - b. *the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
  - c. *the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*

2. *In support of the Council's LTS Cars1 policy, the applicant should consider the provision of a car club vehicle in the vicinity of the site. A contribution the sum of £5,500 per car and £1,500 per order would be required. This does not require to be included in any legal agreement;*
3. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. It is expected that the mews access will be included as a 'footway' under the Road Construction Consent and will be constructed to carriageway standard to accommodate emergency service vehicles;*
4. *A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent including Stage 2 Road Safety Audit and Designer's Response;*
5. *A draft travel plan is set out in the submitted Transport Assessment. The applicant should consider developing including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
6. *The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*
7. *Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*
8. *It is noted that the proposed mews parking is under a canopy in close proximity to the proposed carriageway. The applicant should note that any canopy or similar structure must be a 0.5m in from the carriageway edge;*
9. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
10. *The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority. It is understood that underground attenuation / storage is proposed for the site. The applicant should note that neither the Council or Scottish Water are likely to accept maintenance responsibility for such infrastructure and that the maintenance responsibility should be clearly identified.*

Note:

- i. Current Council parking standards permit up to 1 car space per unit for residential development in this area, Zone 2. The proposed parking provision is considered acceptable and includes:
  - o A total of 68 car parking spaces (including 49 undercroft, 9 on-street, 10 off-street mews spaces);
  - o 12 electric charging points;
  - o 6 disabled spaces;
  - o 5 motorcycle spaces;
- ii. A total of 230 cycle parking spaces are provided within secure and undercover locations within the blocks;
- iii. No specific cycle parking is provided for the 10 mews units with storage expected to be within the properties;
- iv. The existing access to Lochend Park at the north western edge of the site is considered adequate for links into the local cycle and pedestrian network.

## Waste Services

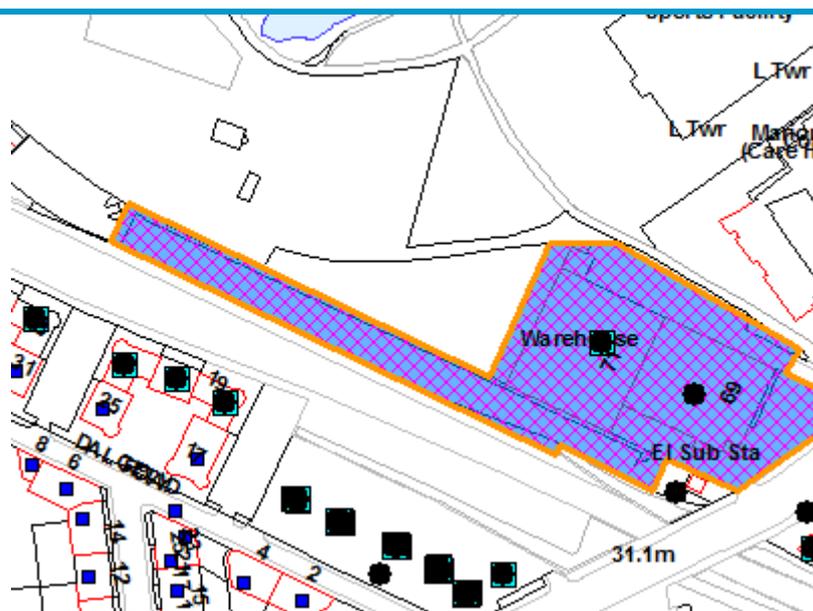
All items are conforming with our discussions and I will issue the 1st part of our waste strategy agreement to allow planning to go ahead.

Please ensure the builder/developer is provided with the updated agreement and a copy of our instruction for architects guidance for their perusal.

Please inform them that a second part agreement will be issued prior to completion of the site (relevant to collections) and all access roads being accessible.

This will consist of a site visit to ensure all the requirements have been installed as per our agreement and it is considered safe for waste collections to proceed.

## Location Plan



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