

# Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 18/10499/FUL  
At 69 - 71 Marionville Road, Edinburgh, EH7 6AQ  
Planning permission 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).**

**Item number**

**Report number**

**Wards**

B14 - Craigentinny/Duddingston

## Summary

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The proposal is contrary to the development plan as it does not draw on the positive characteristics of the area, contrary to policy Des 1. The height and form of the proposal will not integrate well with its surroundings, is inappropriate in its context and would adversely impact on key views, contrary to policies Des 4 and Des 11. It will overshadow and have a detrimental impact on the neighbouring care home, contrary to policy Des 5. The proposal represents overdevelopment of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on key views and its relationship with the wider surroundings.

## 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, LEN12, LEN16, LEMP09, LTRA02, LTRA03, NSG, NSGD02, NSHAFF,

# Report

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## Recommendations

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1.1 It is recommended that this application be Refused for the reasons 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 considered to be 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.

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

10 November 2014 - 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).

## **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 120 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 seven storey block comprising: five studio flats; five one-bedroom flats; 16 two-bedroom flats; and four three-bedroom flats. Block D is a seven storey block with basement comprising: five studio flats; 10 one-bedroom flats; 13 two-bedroom flats and three 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 49 under deck car parking spaces and 10 car port spaces for the mews (includes six accessible spaces and 10 electric charging point spaces). Nine street spaces are proposed (including one accessible space and four passive provision spaces for electric charging). 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.

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 30 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.

#### Scheme 1

A residential development of 125 flats. A storey was removed from block C.

### **3.2 Determining Issues**

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- (a) the principle of residential development is acceptable in this location;
- (b) the layout, scale and design are appropriate;
- (c) there will be any impact on residential amenity;
- (d) the proposal will give rise to any transport or air quality issues;
- (e) there are any issues in relation to flood prevention;
- (f) there are any issues in relation to trees and landscaping;
- (g) there are any ecological issues;
- (h) the proposed development will be sustainable;
- (i) there are any issues in relation to archaeology;
- (j) there are any issues in relation to adjacent railway;
- (k) there are any other infrastructure requirements; and
- (l) 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.

Over the past few 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 or many business 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. However, the overall form of the development raises issues, particularly with regards to the layout of the blocks and the heights of the blocks to the rear.

While 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 seven metres taller than the care home to the north. This would be visually incongruent at this location and contrary to the EDG which advises that new buildings that are clearly higher than their neighbours should be avoided. The desire to achieve a sustainable urban density does not justify the height proposed for block D when considering the visual impact on its surroundings. The resultant impact is a site which is over-developed.

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. However, block D would be located alongside a narrow pedestrian footpath that runs between the site boundary and the curtilage of the care home, and will not address the wider park. The height and massing of block D at this location would be overbearing and visually dominate this entrance to the park, where a more human scale would be more appropriate.

A mix of units is provided in the proposal, including 110 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 19 three bed properties which equates to 16%, 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.

However, on balance, it cannot be demonstrated that the overall design concept draws upon the positive characteristics of the area, as required under LDP Policy Des 1 (Design Quality and Context). It is also not in compliance with the aims of PAN 67 insofar as the proposal does not reflect 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 and the care home. The development is located within the area to the north of the railway line where it is lower density. However, the proposal is comparable in scale to the tenemental properties to the west and the taller developments of the Lochend Butterfly to the north.

In assessing this proposal, the existing single storey houses immediately opposite the site along Marionville Road currently address the street in a positive way by offering a frontage characterised by low walls and planting. The heights of these buildings offer views across to Arthur's Seat when viewed from the north, which provides a distinctive sense of place. 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 does not relate positively to either the single storey houses opposite or the care home. This is due to the height and massing of the proposed buildings and the fact that the proposal does not sit comfortably within its setting. Although the proposals provide an area of landscaping to the frontage, and the proposed mews houses are of an appropriate design, the proposal does not address the fragmented urban grain or take cognisance of the urban form and density at this location.

In further assessing the height and scale of the proposal, it is important to consider several aspects: first is the impact of the development on long views into the site from important viewpoints; and second is the impact on local views.



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 a significant impact on the identified key view, to the extent that much of Arthur's seat will no longer be visible from the park's upper level. In addition, the scale and mass of block D in particular would draw attention to the building at the expense of the views. Overall, the height of the development will have an adverse impact on an important landscape feature and as such the building is not appropriate in its context contrary to 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 with the exception of the adjacent care home. The elevation of the care home closest to the development does not meet the requirements of the guidance as 16 of the windows, affecting seven habitable rooms, do not pass the VSC test. All of the affected rooms are single aspect. As a result, Average Daylight Factor (ADF) calculations were also undertaken. These calculations show that all of the seven affected rooms pass the ADF test and therefore comply with the EDG.

A 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 much of the day. While the care home has a larger garden area around its curtilage, and in particular has two well maintained central courtyard gardens, it is likely that residents value the immediate outlook and amenity from their room and the consequence of this area being overshadowed will have a detrimental impact.

#### 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.

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 is likely to have a detrimental impact on the amenity of the residents, particularly those who reside in the western part of the building and utilise the garden area and is not in compliance with policy Des 5. 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, six of which will be spaces for disabled people, with a further five 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.

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).

Parking for 47 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).

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 EPS and RTPI Scotland guidance.

### **e) Flood Prevention**

A Flood Risk Assessment and a Surface Water Management Plan have been submitted in support of the application. Flood Prevention has requested some further checks from the applicant before any development can commence. If the application is granted, it should be subject to a condition requiring the final approval of the outstanding information by Flood Prevention, to 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.

### **g) Ecological Issues**

A Preliminary Ecological Appraisal has been submitted in support of the application. The appraisal noted that the buildings on site have moderate potential to support roosting bats and recommends a programme of dusk/dawn bat roost emergence/re-entry surveys are carried out.

Giant Hogweed was also noted as being evident on site and it is recommended that the plants should be sprayed with a Glyphosate-based herbicide to eradicate it from site prior to demolition works commencing.

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:

<b>Essential Criteria</b>	<b>Available</b>	<b>Achieved</b>
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
<b>Total points</b>	<b>80</b>	<b>80</b>

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 Urban Design Guidance and are acceptable.

#### **i) Archaeology**

The site has been identified as occurring within an area of archaeological significance. Therefore, if Committee is minded to grant the application, 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 relevant conditions. Therefore, if Committee is minded to grant the application, two conditions will be required. The first condition requires the provision of a 1.8 metre high fence adjacent to Network Rail's boundary and the second condition restricts the nature of any landscaping to be planted adjacent to the operational railway.

## **k) Other Infrastructure Requirements**

### **Affordable Housing**

A total of 30 affordable units are to be provided on site with 22 units (73%) 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. If the Committee is minded to grant the application, 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 £117,300 for the proposed 53 flats (discounting studios and 1 beds) and 10 mews. If the Committee is minded to grant the application, 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 £113,400 for the proposed 120 units. If the Committee is minded to grant the application, the contributions will be sought via a legal agreement.

## **l) Public Comments**

### **Material objections**

- Impact on local amenities, schools, etc - assessed in section - 3.3(i);
- Detrimental impact on Lochend Park - assessed in section - 3.3(b);
- Risks to air quality - assessed in section - 3.3(d);
- Road congestion - assessed in section - 3.3(d);
- Loss of wildlife corridors - assessed in section - 3.3(g);
- Blocks B and C are too high and completely obscure the view of Arthur's Seat from Lochend Park - assessed in section - 3.3(b);

- Will dominate the skyline when viewed westwards from St Triduana's Church - assessed in section - 3.3(b);
- Brick is not suitable material in the area - assessed in section - 3.3(b);
- The height of the building will overshadow the entrance to the park - assessed in section - 3.3(b and c);
- The care home garden will be overshadowed on an area used by residents - assessed in section - 3.3(c); and
- Loss of outlook for care home residents - assessed in section - 3.3(c).

#### Craigentenny and Meadowbank Community Council comments

- Objections from the community about the height of the development - assessed in section - 3.3(b); and
- The community and local businesses will benefit from the development providing the Council invests in improving residents' access to health, transport and schools in the area.

#### **Conclusion**

The proposal is contrary to the development plan as it does not draw on the positive characteristics of the area, contrary to policy Des 1. The height and form of the proposal will not integrate well with its surroundings, is inappropriate in its context and would adversely impact on key views, contrary to policies Des 4 and Des 11. It will overshadow and have a detrimental impact on the neighbouring care home, contrary to policy Des 5. The proposal represents overdevelopment of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on key views and its relationship with the wider surroundings.

It is recommended that this application be Refused for the reasons below.

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

##### **Reason for Refusal:-**

1. The proposal is contrary to policy Des 1 as it does not draw on the positive characteristics of the area,

The proposal represents overdevelopment of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on key views and its relationship with the wider surroundings.

2. The height and form of the proposal would not integrate well with its surroundings, is inappropriate in its context and would adversely impact on key views, contrary to policies Des 4 and Des 11.
3. The proposal will have a detrimental impact on the neighbouring care home, contrary to policy Des 5.

## **Financial impact**

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

No contributions required. However, if Committee is minded to grant the application then a legal agreement will be required.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 15 January 2019. A total of eight objections were received from members of the public. A representation was also received from Craigentenny and Meadowbank Community Council offering comments both in support and against the proposal.

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**

20 December 2018

**Drawing numbers/Scheme**

01-05, 06A-08A, 09-10, 11A-12A, 13-14, 15A-16A, 17, 18A, 19-20, 21A, 22-23, 24B, 25A-26A, 27-33, 34B, 35A-37A, 38, 39A, 40-41,

Scheme 2

**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 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 18/10499/FUL  
At 69 - 71 Marionville Road, Edinburgh, EH7 6AQ  
Planning permission 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).**

## 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 120 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (30) 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 30 affordable homes to be provided on site. The other 8 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 8 homes are likely to be provided as a Golden Share housing, dependant 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 8 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

53 Flats (57 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:

£117,300

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.

## **Craigentiny and Meadowbank Community Council**

*This letter offers comments on the application following participation in several consultations with local communities and individual conversations with residents and businesses.*

*The community council recognises the efforts carried out by the developers to reach out to local residents which led them to make amendments to their plans following comments which were fed back to them by the local community.*

*We also recognise the special efforts which were put into the bin management strategy which was selected for the development.*

*We listened to the community and heard some objections to the height of the build along with reservation about the management of green space belonging to the Lochend park adjacent to the development.*

*There is also opposition targeted towards the lack of investment from Edinburgh council in desperately needed public amenities.*

*However, we believe that the community and local businesses will benefit from the development going ahead, providing Edinburgh City council invests into improving resident's access to Health, Transport and Schools in the area.*

### **Economic Development**

*The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 18/10499/FUL for the development of 125 residential units at 69-71 Marionville Road, Edinburgh.*

#### *Commentary on existing use*

*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 divided by 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 £64,316 per employee (2016 prices). This suggests that the existing buildings could be expected to add approximately £4.36 million of gross value added to the economy of Edinburgh per annum (2016 prices) if fully occupied (£64,316 x 36). 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-eight storeys containing a total of 115 flats, along with a row of 10 mews houses.*

- *Class 9 - Houses / Sui generis - Flats*

*The development as proposed would deliver 125 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 125 houses and flats could be expected to collectively spend approximately £3.20 million per annum (2016 prices). Of this £3.20 million, it is estimated that approximately £1.66 million could reasonably be expected to primarily be made within Edinburgh. This £1.66 million could be expected to directly support approximately 26 jobs and £0.90 million of GVA per annum (2016 prices), primarily in the retail, transport, and hospitality 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 £4.36 million of GVA per annum (2016 prices).*

*The development as proposed would not be expected to directly support any jobs, but it is estimated that it could support approximately 25 jobs and £0.90 million of GVA per annum (2016 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 25 jobs and £0.90 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 £4.36 million of GVA per annum (2016 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 outwith 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.*

## **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.*

2. *No development shall take place on site until such time as a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail can provide details of planting recommendations for adjacent developments. All landscaping, including planting, seeding and hard landscaping shall be carried out only in full accordance with such approved details.*

*Reason: To control the impact of leaf fall on the operational railway.*

*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.

## **SEPA**

Thank you for your consultation email which SEPA received on 09 January 2019.

*Advice for the planning authority*

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

### *1. Air Quality*

*1.1 We would advise that under LAQM guidance the Council should request an air quality impact assessment if the development will lead to a change in LDV (light goods vehicle) flows of more than 100 Average Annual Daily Traffic (AADT).*

### *2. Flood risk*

*Executive Summary Outlining Policy Context*

*2.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

### *2. Technical Report*

*2.2 Review of the SEPA Flood Map indicates that the site lies outwith, but adjacent to, the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at medium to high risk of flooding. The flood risk identified adjacent to the site is from surface water sources and we hold no further information on this flood risk or any records of flooding in the area.*

2.3 We were previously consulted on an application at this site (14/02089/FUL) and although we had no objection we did note that the information provided indicate that there was a culverted watercourse adjacent to the site in Marionville Road and recommended further consideration of flood risk from this source and contact with Edinburgh Council flooding team to determine whether they held additional information. This information has not been submitted in the current application and review of our records provides no details on a culverted watercourse.

2.4 Given the above, we have no objection to the proposed development. We would recommend that finished floor levels are raised above ground level where feasible and ground landscaped to slope away from properties to reduce any risk of potential surface water flooding in the area.

*Detailed advice for the applicant*

### 3. Flood Risk

#### *Caveats & Additional Information for Applicant*

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

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

3.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

*Regulatory advice for the applicant*

#### 4. Regulatory requirements

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

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

4.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees



See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

4.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

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

SEPA Silvan House 3rd Floor 231 Corstorphine Road Edinburgh EH12 7AT  
Tel: 0131 449 7296.

## Waste Services

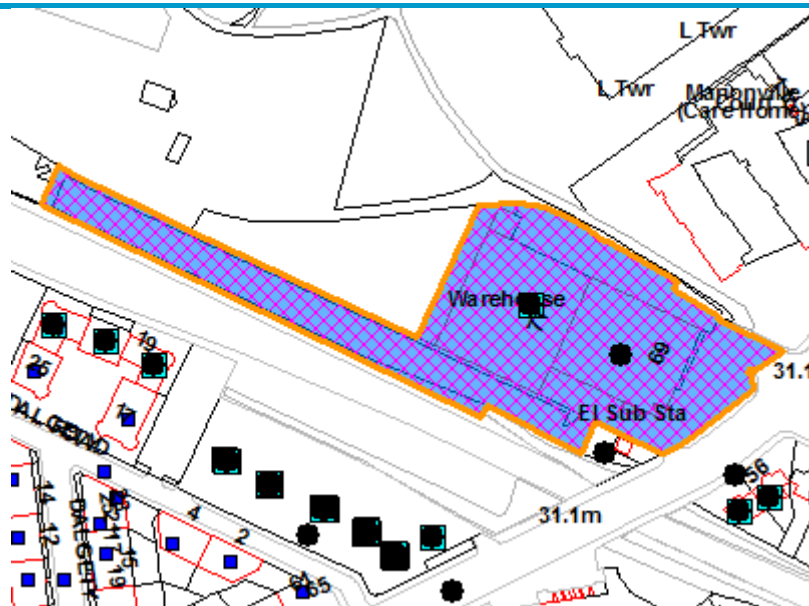
All items are conforming with our discussions and I will issue the 1st part of our waste strategy agreement to allow planning to go ahead.

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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**END**