

# Development Management Sub Committee

**Wednesday 7 October 2020**

## **Application for Planning Permission in Principle**

**20/01410/PPP**

**at 43 Main Street, Edinburgh, EH4 5BZ**

**Planning application for residential development including associated access, parking, infrastructure, and landscaping.**

**Item number**

**Report number**

**Wards**

B01 - Almond

## **Summary**

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The principle of housing development (Class 9 and Sui-Generis flatted development) with vehicular access from Main Street would be acceptable in principle and is in accordance with the Edinburgh Local Development Plan (LDP).

There are a range of concerns regarding the indicative proposals including site layout, heights and massing and levels of development including unit numbers and housing mix. However, all such matters could be reserved as part of a planning permission in principle, and it is recommended that design parameters and other matters relating to the future development of the site are established through condition.

The existing cycle and pedestrian access passing through the north of the site forms an established local route and part of the city's off-road network. This must be retained as an integral part of the site layout with requirements and details being secured through condition.

Planning obligations in respect of affordable housing, transport and educational provision require to be secured through Section 75 agreement.

It is recommended that the application be granted subject to conditions and the applicant entering into a suitable legal agreement. There are no material considerations which outweigh this conclusion.

## Links

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### [Policies and guidance for this application](#)

LDEL01, LDES01, LDES04, LDES05, LDES07, LDES08, LEN09, LEN12, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LRET05, LEMP09, LTRA02, LTRA03, LTRA04, LTRA09, NSGD02, NSHAFF,

# Report

## **Application for Planning Permission in Principle 20/01410/PPP**

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**Planning application for residential development including associated access, parking, infrastructure, and 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 application site is situated within Davidsons Mains village, north west Edinburgh.

The site (0.44 hectares) is broadly 'L' shaped in configuration and bounded by Main Street to its southern edge. A former railway embankment, mature woodland define the site to the north and north east. This is designated as Local Nature Conservation Site and Open Space.

The areas immediately to the south of the site include two residential properties and a public house fronting Main Street with an associated dwelling to the rear. Low rise housing is situated to the north and east. Various residential properties and commercial premises including a former bank, car parking, public house and beer garden to the rear are situated to the west of the site. A Tesco Metro supermarket lies to the north west corner of the site. This is a two storey commercial structure dating from the 1970's. A service bay, enclosed by palisade fencing, lies to the eastern side of building.

The site comprises two parts:-

The southern part of the site is occupied by a former vehicle repair garage and associated yard area, this accessed via Main Street. The buildings comprise 1-2 storey structures, these featuring white render and exposed brick finishes. A single mature tree with low lying vegetation lies to the north east. The rear part of the site slopes downwards by approximately 2 metres towards its northern edge.

The northern area of the site forms surface car parking (103 spaces) associated with the Tesco store. A pedestrian/cycle access enters the site from the east, this providing a link to the North Edinburgh Cycle Network at Silverknowes Road. The car park currently provides direct access via the Tesco store to provide a link with Cramond Road South. The topography of this part of the site is broadly level. A culvert lies beneath the car park, this entering the site from the west, before exiting via the northern edge.

A high brick wall currently defines the southern edge of the car park, this bisecting the two parts of the site.

The site is located within a back land area to the north of the historic Main Street. The urban character is almost exclusively 1, 2 and 2.5 storey, featuring a mix of terraced housing, cottages and low rise flats, these being interspersed with a range of commercial uses fronting Main Street. The area lying to the east of the site, including The Green, comprises low rise suburban terraces and semi-detached dwellings.

## 2.2 Site History

No relevant planning history.

## Main report

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### 3.1 Description Of The Proposal

#### Scheme 2

Planning Permission in Principle is sought to establish the principle of residential development for 36 units, including associated access, parking, infrastructure and landscaping. No specific use classes have been identified.

The proposal would comprise redevelopment of the former garage premises to the south of the site and part of the existing surface car park to the north. This would include the demolition of the existing buildings and the boundary wall which bisects the site. The north western section of the car park (approximately 24 spaces) and service access for the adjacent supermarket would be retained.

Indicative design proposals have been submitted as part of the application, these derived from a feasibility study. These include a site layout, site sections and proposed massing plans. A Design and Access Statement, with site analysis has also been prepared.

The proposed vehicular access into the site would be from Main Street to the south, this leading to a 'T' turning head within the northern part of the site.

The existing cycle and pedestrian route, which enters the site at the north east corner would be diverted via the northern edge of the site, this opening out within the area of retained car parking. A subsequent amendment has changed the alignment of this route at the north east corner of the site.

The indicative proposals identify the following:-

#### *Southern part of site*

Block A - 3 storey - 8 units

Block B - 3 storey + developed roof - 13 units

### *Northern part of site*

Block C - 3 storey + developed roof - 11 units  
Cottage units - 2 storey - 4 units

Of the proposed 36 residential units, 27 are identified as private with 9 affordable units. These would be composed of:-

27 x 2 bedroom  
9 x 3 bedroom

The site layout has identified 30 parking spaces with internal storage provision for 84 cycles.

Private open spaces are located to the rear of the blocks with front curtilage landscaping, although these aspects are not developed in detail. An area of landscaped public open space is located to the north western corner, adjacent to the supermarket service bay and retained car parking.

### Scheme 1

As above, prior to amendments relating to the diversion of the cycleway, provision of visualisations to demonstrate height and massing. A legal paper relating to the status of the cycle/pedestrian route which crosses the northern part of the site has also been submitted by the applicant.

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning Statement;
- Design and Access Statement;
- Preliminary Ecological Report;
- Transport Statement and
- Drainage and Flooding Strategy.

### **3.2 Determining Issues**

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- (a) The principle of the proposed uses are acceptable;
- (b) The proposals would raise issues in respect of design;
- (c) The proposal would address requirements of housing policy and guidance, including the Council's affordable housing policy;
- (d) The proposal raises issues in respect of transport and road safety;
- (e) The proposal would achieve an acceptable standard of residential amenity for future residents;
- (f) The proposal would affect the amenity of neighbours;
- (g) The proposal raises issues in respect of trees and ecology;
- (h) The proposal would result in flood risk;
- (i) The proposal would result in impact to archaeology;
- (j) The proposal would give rise to developer contributions and
- (k) The proposals address issues raised in representations.

#### **(a) Principle of Use**

The site is designated in the Local Development Plan as Urban Area, with the southern part of the site and the adjacent store being designated as part of the Davidson's Mains Local Centre.

In order to establish if the principle of residential on the site is acceptable, it is necessary to consider the LDP Policies Hou 1 - Housing Development and Ret 5 - Local Centres. LDP Policy Emp 9 - Employment Sites and Premises is also applicable as the proposal would result in the loss of an employment site (i.e. the site was most recently used as a car repair garage).

LDP Policy Hou 1 states that priority will be given to the delivery of the housing land on d) on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The principle of housing development would be supported in principle subject to satisfactorily addressing requirements of relevant policy and guidance, particularly in relation to design and the quality of amenity for future residents.

LDP Policy Ret 5 outlines that proposals for non-retail development in a local centre which would have a detrimental impact on the function of the centre will not be permitted.

The former garage premises are located behind the main frontages of the Local Centre. Both the location and nature of its use means it makes a limited contribution to the function and identity of the Local Centre. Although part of the car park to the rear of the Tesco Metro supermarket would be lost as a result of the proposal, this would not harm the overall function of the Local Centre given the store itself would remain unaltered and would still be accessible by a range of forms of travel, including walking - which is key to the role of local centres.

The proposal would not result in the loss of retail floorspace and the loss of the existing land uses would not undermine the function of the centre. The proposed residential use would create homes immediately adjacent to the local centre, which could mutually benefit both residents of the development and Local Centre itself through additional footfall and vitality.

LDP Policy Emp 9 states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry and storage will be permitted provided: 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.

In relation to part a) the site does not lie in a location where there are many surrounding employment uses and so the criterion is of limited applicability to these proposals. The operation of the supermarket service bay lying adjacent to the site, would need to be fully considered as part of a Noise Assessment this informing any mitigation during the detailed design process.

The loss of the former garage premises as an employment site would not be significantly detrimental to the Local Centre and would address requirements of part b). The Council would support the principle of housing development on brownfield land, including derelict land and land occupied by redundant buildings. Whilst the existing buildings reflect the general scale and character of the area, these are of no architectural merit and demolition would be acceptable. The proposed redevelopment of the site for housing would also result in the removal of a non-conforming use and physical improvement of the wider area.

In terms of the redevelopment of the car park, the existing facility serves primarily as an overspill at the rear of the Tesco store and sees sporadic levels of use. A level of car parking provision would be retained both to the front and rear of the store and the loss of the car parking would be compatible with current transport policy. The redevelopment of car parking for residential use would be supported in principle, in that it would allow for the more efficient use of urban land.

In summary, the proposed development would address requirements of LDP Policies Hou 1, Ret 6 and Emp 9. The principle of housing development would be acceptable in terms of land use and result in the development of a windfall housing site. The proposal would not undermine the function and viability of the Local Centre or prejudice or inhibit the activities of any nearby employment use.

Given that no use classes have been identified as part of the application, it is recommended that this grant of planning permission is restricted to Class 9 housing and Sui Generis flatted development. All aspects relating to detailed design including unit numbers would be reserved matters.

## **(b) Design**

### Design Concept and Layout

LDP 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 of for proposals that would be damaging to the character or appearance of the area around it

LDP Policy Des 4 - Development Design - Impact on Setting, notes that where surrounding development is fragmented or poor quality, development proposals should help repair urban fabric, establish model forms of development and generate coherence and distinctiveness, i.e. a sense of place. These requirements are further reinforced through the Edinburgh Design Guidance.

LDP Policy Des 7 - Layout Design, part a) requires that a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDS features has been taken.

LDP Policy Des 8 - Public Realm and Landscape Design, states that permission will be granted for development where all external spaces and features, including streets, footpaths, civic spaces and boundary treatments have been designed as an integral part of a scheme as a whole.

The Edinburgh Design Guidance establishes keys aims for new development including:- the need to have a positive impact on the immediate surroundings; the wider environment; landscape and views, through its height and form; scale and proportions; materials and detailing; positioning of buildings on the site, integration of ancillary facilities; and the health and amenity of occupiers.

The applicant has submitted indicative design proposals including site layout, sections, massing, visualisations. A Design and Access Statement has been submitted, this including analysis of site constraints and opportunities.

Davidsons Mains possess a distinct village character. Although not a conservation area, the historic village core, of which the application site forms part, is characterised by traditional buildings and low-rise development, almost exclusively 1-2 storey development with pitched roofs. The site locality also contains a mix of housing typologies, which includes cottage style dwelling, terraced properties and low-rise flatted developments.

The proposed 3 and 4 storey flatted blocks would not be compatible with these characteristics. Whilst these would be set back from the street, the proposed height and massing would visibly be at odds with the village character. The indicative design proposals have failed to respond to the distinct urban grain and spatial character including the back land nature of the site and the scale and form of adjacent buildings.

The design proposal would appear to be development led and has not been clearly derived from comprehensive site analysis. Any site layout must be clearly informed by movement patterns to ensure effective integration with the urban structure of the village. Particularly this would include, the existing pedestrian/cycle route which passes through the site and enhancing its permeability and opportunities for pedestrian movement.

In summary, a more bespoke design would be needed to create the sense of place that fits the character of the area and responds to the constraints of the site. The indicative proposals do not fully address the requirements of LDP Policies Des 1 Design Quality and Context, Des 4 Development Design, Des 7 Layout Design, Des 8 Public Realm and Landscape Design, Edinburgh Design Guidance and Edinburgh Street Design Guidance

The proposed design has not been based on an overall concept that draws upon the positive character of the surrounding area and reinforce a sense of place. The proposal would not establish a model form of development, generate coherence, being disruptive and potentially damaging to the character of the locality.

The proposed design has not demonstrated a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces.

### Height, Mass and Scale

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, having regard to; a) height and form and b) scale and proportions.

Edinburgh Design Guidance advises that development should seek to match the general height and form of buildings prevailing in the surrounding area. Where new developments exceed the height of neighbouring buildings there is a need to ensure they enhance the skyline and surrounding townscape.

The indicative design proposal is predominately 3 storey, with 2 storey 'cottage' flats to the north east corner of the site. Two of the 3 storey blocks also feature developed roof space, which would effectively constitute a fourth storey. These would be in contrast to the prevailing scale of development in the locality, which is almost exclusively low rise, 1-2 storey development with pitched roofs. Recent residential developments within the village context have sought to respond to this character, with maximum heights of 2.5 - 3 storeys.

Visualisations have been supplied by the applicant, although the viewpoints were not agreed with the Planning Authority. The visualisations are limited in scope with no views to illustrate the scale of development in the context of the backland area to the rear of Main Street.

A large number of representations expressed concern regarding the proposed height, mass and scale of the development, particularly the impact upon the historic village character.

There is concern that the height and mass of the indicative proposal would not reflect the prevailing character, particularly the scale of adjacent buildings in the southern part of the site. As presented the proposal would not address requirements of Des 4, Parts a) and b) and the Edinburgh Design Guidance.

However, given the nature of this planning permission in principle, it is recommended that design parameters including matters relating to height mass and scale are established through condition. Development within the southern part of the site must achieve a range of development heights with no part of development exceeding 2.5 storeys. The development shall incorporate pitched roofs. The development within the northern part of the site must seek to achieve a range of development heights with no part of development exceeding 3 storeys.

### Density and Unit Numbers

LDP Policy Hou 4 - Housing Density - The Council will seek an appropriate density of development on each site having regard to: a) its characteristics and those of the surrounding area; b) the need to create an attractive residential environment and safeguard living conditions within the development.

The indicative design proposal has been calculated at 80 dwellings per hectare, which would be typical of a low rise flatted development or tenemental area. This would be higher than the prevailing densities for Main Street and the adjacent residential areas to the north and south, which would be more characteristic of medium to high density suburban development.

There is concern that the indicative design and layout have not sought to adequately respond to potential site constraints, e.g. noise, land contamination, mature tree adjacent to the site and the need to incorporate access routes. Also, the proposed form and density of development has not fully responded to adjacent site conditions and characteristics of the surrounding area, nor has it been demonstrated that the proposal would safeguard living conditions within the development. The proposal is also entirely flatted and the opportunity to deliver family housing with private gardens has been missed.

In view of these issues, it is not recommended that unit numbers are agreed as part of this permission and this is a reserved matter to be considered at detailed design stage. An appropriate density for the site would need to be demonstrated as part of further design development.

In design terms, the nature of the site would lend itself to the urban housing - possibly mix of townhouses, terraces and low-rise flatted blocks. In turn this could achieve a suitable density which responds to the local context and character.

## Conclusion - Design

There are a range of concerns regarding the indicative proposals including the design concept, site layout, heights, massing and levels of development including densities, unit numbers and housing mix. However, all such matters could be reserved as part of a planning permission in principle, and it is recommended that design parameters and all matters relating to the future development of the site are secured through conditions.

For avoidance of doubt, the indicative design proposal and plans would not represent an approved scheme.

### **(c) Housing policy and guidance, including the Council's affordable housing policy**

LDP Policy Hou 6 - Affordable Housing, requires that planning permission for residential development, consisting of 12 or more units should include provision for affordable housing.

The applicant has identified a total of 8 affordable units, this constituting 25% of the total units proposed. These would comprise a mix of 2 and 3 bed units and accessed from a single stair core. Whilst the applicant has indicated their commitment to the provision of affordable housing, no confirmation has been given that homes will be designed to RSL design standards and requirements or whether the proposal would be representative of the provision of homes across the area.

The Council's Affordable Housing team have been consulted in relation to the application. They have advised that in order for the proposal to be fully assessed, the applicant should submit an 'Affordable Housing Statement' setting out their approach, this also being available as a public document. This document has not been submitted by the applicant.

LDP Policy Hou 2 - Housing Mix, states that the Council will seek the provision of a mix of house types and size where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

The application proposes a range of flatted units, these ranging from 1-3 beds. In the absence of an Affordable Housing Statement, the applicant has not demonstrated whether the proposed mix of house types, would be appropriate to the character of the locality and that requirements of the Edinburgh Design Guidance have been addressed, including those relating to the provision of accommodation which would be suitable for growing families.

Davidsons Mains is set within both a village and suburban context. A range of housing types including family housing, low rise flatted units and housing for older people are all evident within the vicinity of the site. In view of these characteristics and the nature of the site, an entirely flatted scheme may not be appropriate to the locality and it is considered that any future scheme should strive to deliver a greater level of housing typologies including family housing.

In summary, the proposals have not fully demonstrated that the requirements of Hou 2 and Hou 6 have been addressed, including whether the proposed housing mix is appropriate for the area. It is therefore recommended that the design of any future development proposal be based upon the findings of an Affordable Housing Statement, and the preparation of such a document would be stipulated through condition. A legal agreement will be required to secure the delivery of 25% affordable housing on site.

#### **(d) Transport and Road Safety**

##### Site Access

The proposal would seek to utilise the existing vehicular access from Main Street to provide the principal access into the site.

This issue was highlighted in a large number of representations, including potential conflicts with pedestrians, the existing bus stop and public house and that new development would result in additional vehicle movement on a congested local network.

A transport statement has been submitted as part of the application. This is considered to provide an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network.

The access previously served the garage premises. The proposed residential use would result in a trip generation comparable to that of the former garage use and potentially even result in a net reduction of vehicle trips.

The proposed re-use of the existing access to Main Street would therefore be acceptable in principle, with design details being secured through condition.

##### Proposed diversion of cycle and pedestrian route

The northern part of the site currently provides direct access for pedestrians and cyclists via the existing car park. This enters the site from the north east, to provide a direct link between the National Cycle Network at Silverknowes Road with Cramond Road South, via the Tesco store.

The application seeks to divert this route via the northern edges of the site to accommodate the proposed development. This would be largely segregated from the remainder of the development being tightly enclosed by adjacent boundaries for much of its length. The maximum width would be 2.6 metres, which would fall below the standards specified in the Edinburgh Street Design Guidance. Although the realigned route would provide some access through the site, this would result a longer, indirect route due to the positioning of the 'cottage flats' at the north east corner of the site.

Representations have identified a range of concerns with the proposed arrangement including the indirect alignment, the proposed width of the route, the enclosed nature of adjacent boundary treatments which would impact upon sight lines, levels of surveillance and the perception of safety. Overall, the proposed arrangement is considered inferior to the existing facility which enjoys high levels of use.

LDP Policy Tra 9 - Cycle and Footpath Network, part b) states that proposals should not be detrimental to a path which forms part of the core paths network or prejudice the continuity of the off-road network generally; or part c) obstruct or adversely affect a public right of way or other route with access rights unless satisfactory provision is made for its replacement.

The applicant has made legal submission that this route does not form a public right of way. Scotways and the Council's Access Officer were also consulted in relation to the matter. Although the status of this route as a public right of way or other route with access rights has not been confirmed, it nevertheless represents an established part of the off-road network, being well used and valued by the local community as borne out by the large number of representations. It also provides direct access to and from the North Edinburgh Cycle Network. LDP Policy Tra 9, part b) therefore remains material to the assessment of this application.

Although some design amendments have been supplied by the applicant in relation to the alignment, the largely segregated nature of the route is still not considered to offer satisfactory replacement provision and the proposal fails to meet requirements of the Edinburgh Street Design Guidance. As presented, the proposal would be detrimental to a path which forms part of the core paths network and prejudice the continuity of the off-road network generally. It would not therefore address the requirements of LDP Policy Tra 9 b).

The retention and enhancement of this route is considered critical to the redevelopment of the site, also promoting connectivity and active travel objectives. The route should therefore form an integral part of the layout, being integrated into the design of any proposed street and open space in the northern part of the site and overlooked by adjacent development.

In addition to securing east-west movement across the northern part of the site, any redevelopment proposal should also seek to further enhance the permeability of site, to provide direct pedestrian/cycle access between Main Street, the Tesco store and the National Cycle Network. It is recommended that the design of this route, including design requirements and detailed alignment be stipulated through a condition.

### Street Design and Parking

The proposed vehicular access into the site would be from Main Street to the south, this leading to a 'T' turning head within the northern part of the site. Car parking provision would be on-street with cycle storage identified as being integral to the blocks. The existing access arrangements relating to the Tesco store, including service bay and car parking would be maintained, with no through access to the application site.

The carriageway space, as presented in the indicative proposals, would seem largely based around engineering requirements, with the needs of vehicular traffic and parking dominating much of the street scene. It is not apparent that the site layout has sought to promote place before movement as per the Scottish Government's Designing Streets Policy and the Edinburgh Street Design Guidance. Given the nature and characteristics of the site, the design approach would lend itself to shared space, to place greater emphasis on the needs of the pedestrian and active travel.

The indicative proposals are not considered to address the various criteria of LDP Policy Des 7, Layout design - particularly that a comprehensive and integrated approach has been taken to the layout of buildings, streets, footpaths, cycle paths and public and private open spaces. Layouts should also seek to encourage walking and cycling and incorporate design features which will restrict traffic speeds and minimise potential conflict between pedestrians, cyclists and pedestrian traffic.

The proposed car and cycle parking levels and cycle storage arrangements would broadly address requirements of LDP Policies Tra 2 - Private Car Parking, Tra 3 - Private Cycle Parking and the Council's Parking Standards, as updated in January 2020. However, it has not yet been demonstrated that all design considerations as per LDP Policy Tra 4 - Design of Off-Street Car and Cycle Parking, have been taken in to account and further details would need to be demonstrated as part of any finalised design proposal.

It is recommended that the design and layout of road infrastructure, including footways, accesses, cycle routes, verges and service strips and details of parking provision, including spaces for electric vehicles are address as a reserved matter through condition.

#### **(e) Amenity for Future Residents**

LDP Policy Des 5 - Development Design - Amenity, part a) states that planning permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight and immediate outlook.

In view of the indicative nature of the proposals, matters relating to daylight, sunlight and immediate outlook have not been assessed. Similarly, proposed levels of private open space, the requirements of LDP Policy Hou3, Private Green Space in Housing Development and the Edinburgh Design Guidance have not been considered.

#### Noise

Environmental Protection requested that a Noise Assessment be prepared in relation to the proposed development. This was not provided by the applicant.

Several potential noise sources have been identified in proximity to the site. These include the public house flanking the eastern edge of the site, a former bank (which includes rooftop plant) and pub beer garden situated to the west. Impacts arising from the operation of the Tesco store and service bay which lies to the north west corner of the site will also require detailed consideration.

In the absence of this information, it is not possible to establish which parts of the site are suitable for residential use and whether mitigation will be required. As such it is not possible to determine layout and unit numbers at this stage.

It is recommended that a Noise Assessment be stipulated through condition, this informing the detailed site layout and the design of any noise mitigation measures.

## Land Contamination

In order to determine whether the requirements of LDP Env 22 - Pollution and Air, Water and Soil Quality have been addressed, particularly that there will be no significant adverse effects for health, the environment and amenity, that there will be no significant adverse effects and that appropriate mitigation can be provided, it is recommended that a condition be applied requiring investigation into land contamination.

Given the former operation of the southern part of the site as a vehicle repair garage, contaminants may present. The demolition of the buildings may also present issues relating to hazardous materials.

### **(f) Amenity of Neighbours**

LDP Policy Des 5, Development Design - Amenity, Part a) states that planning permission will be granted where the amenity of neighbouring developments is not adversely affected.

Representations were received from regarding the potential loss of privacy, daylighting, sunlighting and overshadowing to adjacent properties due to the scale and height of the proposal.

The applicant has submitted information in relation to these matters. However, given the indicative nature of the proposals this has not been assessed in detail. Issues relating to daylighting, overshadowing and privacy would need to be considered as part of any subsequent detailed design proposal.

### **(g) Trees and Ecology**

A Preliminary Ecological Appraisal prepared by ITP Energised, March 2020, has been submitted as part of the application.

This concludes that the proposed development would have a negligible impact on the ecology and woodland in the vicinity of the site. However, the appraisal does identify that the remaining buildings on the site are capable of providing roosting opportunities for bats. The requirement for further bat surveys can be stipulated through condition.

Although levels of vegetation within the site are limited, a single mature tree remains within the southern part of the site. It is recommended that a tree survey be undertaken to assess its condition and value, this also assessing trees lying with 12 metres of the site boundary to ensure any necessary mitigation and tree protection.

## **(h) Flood Risk and Drainage**

A Drainage and Flood Strategy Report and Site Drainage Survey have been submitted as part of the application.

The online indicative SEPA flood maps identify a low to medium risk of surface water flooding in the northern part of the site, particularly the extents of the car park. A culverted watercourse lies beneath the car park, this entering the site from the west, before exiting via the northern edge.

A drainage concept and schematic drainage layout has also been prepared on the basis of the indicative design proposals prepared for the site.

The Council's Flooding and Drainage Team have confirmed that the flooding information provided as part of the application would largely satisfy the requirements of the Council's Self Certification scheme. Potential flood risks could be mitigated and demonstrate that the site would be suitable for residential use.

The proposal would address the requirements of LDP Policy Env 21, Flood Protection, in that it would not increase flood risk or be at risk of flooding itself.

However, it is recommended that further flooding and drainage information is secured through condition once detailed design proposals have been finalised at AMC stage. This would include a revised surface water management plan to reflect the design of any finalised scheme, with confirmation of proposed site levels and finished floor levels.

Flood Prevention have also requested that a further CCTV survey be undertaken to fully establish the extents of the culvert and it is recommended that a minimum 5 metre stand off from the footprint of the building be required from the culverted watercourse.

Scottish Water requirements would need to be addressed including written confirmation that they will accept the proposed surface water discharge into the culvert, will adopt and maintain the surface water drainage system.

## **(i) Archaeology**

The City Archaeologist has provided comment in relation to the application proposals.

The part of the site occupied by the former garage is located within the historic core of the historic settlement of Davidsons Mains originally known as Muttonhole, which dates back to the post-medieval period. This occurs within an area of archaeological potential. The rear of the site forming part of the car park for the adjacent supermarket formed part of the short lived Davidsons Mains Railway Station including goods yard which opened in 1894 and closed in 1951.

The proposals will require significant ground-breaking works during construction and demolition. Accordingly, it is recommended that if permission is granted that a programme of archaeological mitigation is undertaken prior to demolition or development.

It is recommended that a programme of archaeological investigation be secured through condition. This approach would address the requirements of LDP Policy Env 9 - Development of Sites of Archaeological Significance.

### **(j) Developer Contributions**

The following developer contributions would be applicable to the proposal and will need to be included as part of any S.75 legal agreement.

#### Education

The site falls within Sub-Area W-2 of the 'West Edinburgh Contribution Zone'.

The Council has assessed the impact of the proposed development on the infrastructure actions and the current delivery programme.

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 'per house' and 'per flat' contribution figures set out below and secured through a legal agreement

If the appropriate contribution is provided by the developer, Communities and Families do not object to the application.

Per unit requirement:

Per Flat - £1,093

Per House - £6.985

#### Transport

Contribute the sum of £2000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

Contribute the sum of £2000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

Contribute the sum of £2000 to promote a suitable order to introduce a 20mph speed within the development, and subsequently install all necessary sign and markings at no cost to the Council. The applicant should be advised that the successful progression of the Order is subject to statutory consultation and advertisement and cannot be guaranteed.

In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

## Green Space Actions

No specific green space provisions apply.

However, should permission be granted, it is recommended that of open space and public realm, including the active travel route across the northern part of the site be implemented as part of the development.

## Health Care

The application site is not located within a Healthcare Contribution Zone as defined in the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'. As such no healthcare contributions would be sought.

## **(k) Issues raised in representations**

The application proposals were made publicly available for comment via the Council's Planning Portal on 30 March 2020. However, due to the Covid19 situation, the application was not formally advertised until 29 April 2020, this being followed by an extended 30 day period for public comment.

### Principle - Supportive of residential development

- Supportive of residential development on brownfield land, the site is located close to many amenities, well situated for public transport and for walking and cycling - assessed in 3.3 a
- Housing is much needed in the area, particularly affordable - assessed in 3.3 a and c
- The site is currently an eyesore and development of the site would enhance the area - assessed in 3.3 a

### Principle - Not supportive

- Object to the proposed development of the Tesco car park area - assessed in 3.3 a
- Preference to see family homes with off-street parking and garden space, rather than flats - assessed in 3.3 a and c
- Preference to see sheltered housing, rather than homes for young people/families - assessed in 3.3 a and c
- Concern re. the potential loss of commercial floorspace and opportunities - assessed in 3.3 a

### Height, massing and scale

- Heights, including development should not exceed 2 and 3 storeys - assessed in 3.3 b
- Concern re. proposed flat roofing which would be inappropriate to the character of the location - assessed in 3.3 b
- Scale, height and mass would be completely alien to the village environment and nature of housing at the western end of Main Street where no properties exceed two storeys. Adjacent development at The Green are single storey cottages - assessed in 3.3 b
- Proposal is overly ambitious, representing one of the largest such developments in Davidsons Mains in recent years - assessed in 3.3 b
- The overall scale and density of the proposals (at 36 units) constitute overdevelopment of the site - assessed in 3.3 b

### Local character, historic village setting

- Proposal goes against Council policies with regard to placemaking, local identity, sense of place, preserving the historic built character - assessed in 3.3 b
- Proposals are not in keeping with the local environment, village character and atmosphere - assessed in 3.3 b
- Approach is development rather than design led and has not assessed the character of the local context and townscape - assessed in 3.3 b
- Insufficient information to comment re. architectural appearance and material finishes - assessed in 3.3 b
- Concern re. design detail, architectural detail, material finishes and impact upon local character - assessed in 3.3 b
- Development should be more of a courtyard development - assessed in 3.3 b
- Development should be permeable and function as part of the local community rather than being a 'gated' community. North-south access important as well as east-west, and both should be maintained as part of development. Direct pedestrian access from the Tesco could allow for 'park and stride' arrangement to local primary school - discussions have apparently taken place between the primary school and Tesco in this regard - assessed in 3.3 b and d although it recognised this involves discussions between third parties and matter is out with the scope of this application
- Inadequate waste storage provision for the scale of development proposed - assessed in 3.3 b
- Proposed levels of open space/green space are inadequate - assessed in 3.3 e

### Wildlife impacts, loss of trees, biodiversity

- Proposal goes against Council policies with regard to trees, biodiversity, green networks, cycle/path network provision - assessed in 3.3 b, d and g
- Proposal will impact upon passage/movement of wildlife currently living in wooded area beside the site - assessed in 3.3 g
- Proposal could impact upon trees lying adjacent to the site - assessed in 3.3 g
- Proposal would result in the loss of biodiversity and a tranquil wild space where wildlife can thrive - assessed in 3.3 g

- Loss of daylighting, sunlighting and overshadowing, loss of privacy, overlooking
- Loss of privacy, daylighting, sunlighting and overshadowing to adjacent properties due to the scale and height of the proposal, some impacts unspecified assessed in 3.3 f

#### Amenity of future residents

- Concern regarding proximity to Tesco car park and service bay. Servicing could result in a noise nuisance at anti-social hours and be detrimental to the amenity of future residents. No Noise Report has been submitted - assessed in 3.3 e

#### Impact of proposed diversion of footway/cycleway across the site, design of proposed footway/cycleway

- 
- NCN1 is part of the strategic cycle network linking paths beyond Davidson's Mains, adjacent suburbs and other part of city. This provides a contiguous, safe, off-road route and represents an important route for active travel - assessed in 3.3 d
- Proposed layout contravenes LDP Policy Tr a 9 - Cycle and Footpath Network and should be rejected - assessed in 3.3 d
- The proposed diversion of the footway/cycleway would include two 90 degree bends to divert cyclists on a narrow path - the will result in conflict between users. The proposed arrangement would be hemmed in by fencing and constricted. The proposed route should be dual use for pedestrians and cyclists and 2 metre width is inadequate. Adequate measures should be in place to allow social distancing, to reflect the Covid19 situation. Width should be a minimum 3.5 metres wide and at least 4 metres wide. No justification has been provided for this in the Design + Access Statement or the Transport Statement - assessed in 3.3 b
- Junction of this route into the site could become a focal feature of the site, with seating, planting etc - assessed in 3.3 b
- Concern that proposed arrangement will result in conflict between pedestrians, traffic and cyclists in Tesco's car park - assessed in 3.3 b
- Path should retain a straight and direct access route to Cramond Road South/Barnton Gardens - assessed in 3.3 b

#### Impact/loss of parking at Tesco site

- Proposal will result in a major reduction of car parking and large proportion of this should be retained. Reduction may also result in overspill parking, placing pressure on surrounding streets - assessed in 3.3 a
- Insufficient space has been provided for Tesco delivery lorries to enter/exit - assessed in 3.3 a and d

#### Impact of development on local road network, traffic levels, congestion

- Proposed level of development will place additional burden on the local road network which already experiences significant traffic problems. Local air quality issues - assessed in 3.3 d

### Design of vehicle access to Main Street

- Design of the site access to Main Street, this representing the only vehicular access point into the site. This could result in detrimental impact to pedestrians and the operation of the adjacent bus stop. The junction should be designed as a continuous footway with pedestrian priority (as per the Edinburgh Street Design Guidance) - assessed in 3.3 d
- Entry to the site (at the side of the pub) is too narrow (a single vehicle width) for the volume of cars, entrance is of insufficient width and result in loss of parking and servicing for the pub - assessed in 3.3 a and d
- Has Road Safety Audit been undertaken? - assessed in 3.3 d
- Vehicular entrance could be identified via Tesco to the west - assessed in 3.3 d

### Car and Cycle parking levels

- Adequacy of parking provision, disabled parking, loading, turning within the site, the car will dominate this development. Comment also expressed re. detail of cycle parking - assessed in 3.3 d
- Low parking ratios may result in sporadic parking within the site and overspill to surrounding streets - assessed in 3.3 d
- New development could also be car free or shared cars with electrical charging points - assessed in 3.3 d

### Upgrading of the local cycle network

- Developer contribution should be sought to upgrade cycle/pedestrian path from Silverknowes Road Bridge to the development site. This route should be upgraded prior to the commencement of development and remain open for the duration of construction work - the poor condition of this route is noted although developer contribution cannot be sought as requirement do not arise as consequence of the proposed development

### Impact on local facilities, services, infrastructure including schools and healthcare

- Inadequate local infrastructure to support proposed development - assessed in 3.3 j
- Issues relating to additional pressure on local schools arising from the development were highlighted in a significant number of representations - assessed in 3.3 j
- Local medical practice operating at capacity - assessed in 3.3 j

### Flooding, Drainage and Surface Water Management

- Inadequate capacity of the local drainage network and instances of flash flooding. Concern regarding adequacy of surface water culvert to cope with heavy rainfall - assessed in 3.3 h

## Archaeology

- Supportive of requirement for further archaeological investigation, with recognition that this represents a very important site at the core of an historic settlement - assessed in 3.3 i

## Non-material

- Community engagement has not taken place, with limited opportunity to discuss proposals face to face during lockdown. Lockdown has restricted the ability to consider and assess proposals.
- Blocking of views, Loss of private views.
- Proposal will result in reduction of range stocked by Tesco.

## **Conclusion**

The principle of housing development (Class 9 and Sui-Generis flatted development) with vehicular access from Main Street would be acceptable in principle and is in accordance with the Edinburgh Local Development Plan (LDP).

There are a range of concerns regarding the indicative proposals including site layout, heights and massing and levels of development including unit numbers and housing mix. However, all such matters could be reserved as part of a planning permission in principle, and it is recommended that design parameters and other matters relating to the future development of the site are established through condition.

The existing cycle and pedestrian access passing through the north of the site forms an established local route and part of the city's off-road network. This must be retained as an integral part of the site layout with requirements and details being secured through condition.

Planning obligations in respect of affordable housing, transport and educational provision require to be secured through Section 75 agreement.

It is recommended that the application be granted subject to conditions and the applicant entering into a suitable legal agreement. There are no material considerations which outweigh this conclusion.

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

### 3.4 Conditions/reasons/informatives

#### Conditions :-

1. Notwithstanding the submitted drawings and for avoidance of doubt, the indicative design proposal submitted as part of the PPP application does not represent an approved scheme and all matters are reserved.
2. Approval of matters
  - Before any work on the site is commenced, details of the undernoted matters shall be submitted to and approved in writing by the Planning Authority; the submission(s) shall be in the form of a fully detailed layout and shall include detailed plans, sections and elevations of the buildings and all other structure, including detailed street elevations.

#### Approval of Matters:

- number of residential units, including proposed housing mix - supported by an Affordable Housing Statement;
- site layout, design, siting and height of buildings, form and mass, all materials with product specification as appropriate; the site layout shall be supported by a Noise Impact Assessment;
- existing and finished ground and floor levels in relation to Ordnance Datum;
- design and layout of the road infrastructure, including parking, footways, footpaths, accesses, cycle routes, verges, service strips and details of parking provision including electric vehicles. Street, public accesses and open space design shall be developed in full cognisance with Edinburgh Design Guidance, Edinburgh Street Design Guidance and Scottish Government 'Designing Streets' policy document;
- numbers, design and siting of cycle parking and motorcycle parking;
- waste management and recycling facilities;
- daylight, privacy and overshadowing information to assess the amenity of future occupiers within the development and impacts on neighbouring amenity;
- full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building; and
- surface water management plan providing details of existing and proposed ground level surface water flow paths. This should include runoff from outside the site, from unpaved areas within the site, and from paved areas which exceed the capacity of the drainage system Site layout must pay due cognisance to Drainage and Flood Strategy Report and subsequent revisions prepared by ENV Consulting Engineers, dated March 2020;
- a detailed CCTV survey shall be undertaken of the existing culverted watercourse, to confirm its location, condition and whether further maintenance work is required on the culvert.
- boundary treatments, including heights and materials;

#### Landscape and Open space design:-

- Topographical survey (existing) of the site and a margin beyond the site boundary to indicate existing contours and spot heights, all existing natural features and any built features;
- A fully detailed tree survey;
- Landscape layout plan;
- Planting Plan with planting schedule and specification;

- Hard Landscape Plan to show all surface finishes, boundary treatments and product specification;

#### Maintenance and Management Plan.

3. The development within the southern part of the site (i.e. extents of the former garage premises and associated land) shall achieve a range of development heights with no part of development exceeding 2.5 storeys. The development shall incorporate pitched roofs. The development within the northern part of the site (i.e. extents of the Tesco car park) shall achieve a range of development heights with no part of development exceeding 3 storeys.
4. All Vehicular access to the development shall be provided from Main Street.
5. Public access for pedestrians and cyclists shall be maintained East West across northern boundary of the site, with through access being formed south through the site to Main Street. This shall be accommodated as an integral part of the site layout, i.e. as part of a street and/or open space, being routed along the southern extents of the existing car park to form direct connections between the existing path lying to the east, Cramond Road South to the west and Main Street to the south. This shall be designed as a dedicated active travel route to meet requirements of the Edinburgh Street Design Guidance.
6. All building footprints shall be positioned to include a minimum 5 metre stand off from the footprint from the culverted watercourse.
7. Prior to the commencement of development :
  - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

8. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority  
The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

9. Prior to the commencement of development a Tree survey is required to be submitted for the full extent of the application site and to extend to 12 metres beyond the site boundary. This should be in compliance to BS 5837:2012. The following plans should be provided: -
  - A plan based on a topographical survey to accurately include the exact location of trees including their canopy extent
  - A Tree Constraints Plan
  - A Tree Protection Plan showing the Root Protection Area of retained trees, the construction exclusion zone and location of protective barrier fencing with specification and any ground protection
  - A plan to clearly indicate which trees are to be retained, with pruning works or removed
  - The proposed site layout overlaid with trees to be retained, tree constraints and existing/proposed services and drainage indicated
10. A bat survey shall be undertaken prior to the demolition of any buildings on the site. A minimum of two presence/absence surveys for bats are recommended for each of the four structures with moderate roost potential to establish if roosting bats are present. These should be carried out during the activity season from May to September, inclusive, with at least one of the two surveys undertaken within the period from May to August.

**Reasons:-**

1. In order to secure the proper planning of the area.
2. In order to enable the Head of Planning to consider this/these matter/s in detail.
3. In order to establish design parameters to guide the future development of the site and ensure a satisfactory design
4. In order to ensure suitable access to the site.
5. In order to maintain public access through the site and enhance connectivity for active travel between the site and its immediate surroundings.
6. In the interests of flood prevention.
7. In order to ensure the most efficient and effective rehabilitation of the site.
8. In order to safeguard the interests of archaeological heritage.
9. In order to ensure appropriate tree protection.
10. In the interests of a protected species.

## Informatives

It should be noted that:

1. a) Application for the approval of matters specified in conditions shall be made before expiration of 3 years from the date of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against refusal has been dismissed, in which case applications for the approval of outstanding matters specified in conditions  
  
b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle of 2 years from the final approval of matters specified in conditions, whichever is later
2. a) Permission shall not be issued until the applicant has entered into a suitable legal agreement to ensure that 25% affordable housing is provided on the site in accordance with Council policy;  
  
b) Permission should not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families towards the alleviation of accommodation pressures in the local school catchment areas;  
  
c) Permission shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to redetermine sections of footway and carriageway as necessary for the development;  
  
d) Permission shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to introduce waiting and loading restrictions as necessary;  
  
e) Permission shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to promote a suitable order to introduce a 20mph speed within the development, and subsequently install all necessary sign and markings at no cost to the Council;  
  
f) Permission shall not be issued until a suitable legal agreement has been concluded in relation to the provision of Car Club vehicles and space;

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.

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. 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;
6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
7. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
9. 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. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

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

## **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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application proposals were made publicly available for comment via the Council's Planning Portal on 30 March 2020. However, due to the Covid19 situation, the application was not formally advertised until 29 April 2020, this being followed by an extended 30 day period for public comment.

107 letters of representation have been received, these include 96 objections, 7 neutral comments and 4 letters in support of the proposals. These included comments from the Davidsons Mains and Silverknowes Association, Davidsons Mains Primary School Parent Council, Org North West Heritage, SPOKES and a Ward Councillor.

## 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 area comprises Urban Area with the southern part of the site and adjacent land to the west designated as Local Centre.

The land to the north and north east is designated as Local Nature Conservation Site and Open Space. This area includes LDP Proposal T7 to the north - an Active Travel proposal for various off-road cycle/footpath links

### **Date registered**

23 March 2020

### **Drawing numbers/Scheme**

01,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Francis Newton, Senior Planning Officer

E-mail: [francis.newton@edinburgh.gov.uk](mailto:francis.newton@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

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.

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

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

**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 in Principle 20/01410/PPP

At 43 Main Street, Edinburgh, EH4 5BZ

Planning application for residential development including associated access, parking, infrastructure, and landscaping.

### Consultations

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#### Archaeology comment

*This former garage is located within the historic core of the historic settlement of Davidsons Mains, originally known as Muttonhole. The origins of Muttonhole are not known, however it is recorded from at the least the 17th century and given its location on the intersection of early roads dating back to the Roman period (connecting to Cramond Roman Fort) earlier medieval settlement cannot be discounted.*

*The rear of the site forming part of the carpark for the adjacent supermarket formed part of the short lived Davidsons Mains Railway Station opened in 1894 and closed in 1951.*

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

*The proposals will require significant ground-breaking works during construction and demolition. Such works will have significant impacts upon any surviving archaeological remains associated with the development of Davidsons Mains/Muttonhole dating back to the post-medieval period. Accordingly, it is recommended that if permission is granted that a programme of archaeological mitigation is undertaken prior to demolition or development.*

*This strategy will require the undertaking of phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation (min 10%). The results from this initial phase of work will allow to produce detailed mitigation strategies to be agreed to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken.*

#### Public Engagement

*As stated the site may contain important remains dating back to the origins of the village. Given this and the sites location at the heart of the community, it is recommended further that a programme of archaeological works includes public/community engagement. The full the scope of which will be agreed with CECAS but could include: site open days, viewing points, temporary interpretation boards and exhibitions.*

*It is recommended that this programme of work be secured using the following condition:*

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

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

## **Communities and Families comment**

*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 (February 2020).*

*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:*

*36 Flats*

*This site falls within Sub-Area W-2 of the 'West Education Contribution Zone'.*

*The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.*

*The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.*

*The proposed development is therefore required to make a contribution towards the delivery of these actions. The application is for planning permission in principle. The required contribution should be based on the established 'per house' and 'per flat' contribution figures set out below and secured through a legal agreement.*

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

*Per unit infrastructure contribution requirement:*

*Per Flat - £1,093*

*Per House - £6,985*

*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.*

## **Environmental Protection comment**

*There are a number of nearby businesses that are a potential noise issues. Although there are existing residential properties in the vicinity, the development will position properties closer and in some cases significantly closer. Therefore, some of the sources may be challenging to mitigate, protect the existing business and provide a reasonable standard of amenity for the occupants. As the agent of change principle is now included within Planning legislation for noise sensitive developments, a Noise Impact Assessment (NIA) will be required to demonstrate that noise levels meet the required standards and/or specify mitigation measures; if required. Thus ensuring that the existing businesses are protected from subsequent action, should noise complaints be received.*

*Therefore, please ask the agent for the following information:*

*A Noise Impact Assessment (NIA):*

1) Tesco

a) For Tesco Delivery Noise, Movement of cages and Waste Uplifts etc a BS4142 assessment. However, in addition, the standards to be met include BS8233 and WHO Guidelines on Community Noise (Internal through a slightly open window). In addition to day time noise, the assessment should include at least some monitoring during the night time period; 23:00 hours and 07:00 hours.

b) Mechanical Plant Noise Assessment - Refrigeration, a/c, heating and ventilation etc - Compliance with NR25 standard. (Internal through a slightly open window).

2) The Bank

a) Mechanical Plant Noise Assessment - Refrigeration, a/c, heating and ventilation etc - Compliance with NR25 standard. (Internal through a slightly open window).

3) *Norhet Bar*

a) *Mechanical Plant Noise Assessment - Refrigeration, a/c, heating and ventilation etc - Compliance with NR25 standard. (Internal through a slightly open window).*

b) *Entertainment Noise (Karaoke / music etc) - Requires to be inaudible. To meet this standard we will accept compliance with NR15 or 10dB below background noise level. (Internal through a slightly open window).*

c) *Customer noise (beer garden area at rear) - Requires to be inaudible. To meet this standard we will accept compliance with NR15 or 10dB below background noise level. (Internal through a slightly open window).*

*Clearly, with the current Corona Virus Lockdown, the Norhet Bar will be closed and therefore it will not be possible to assess noise from its activities. Similarly, Tesco may be receiving more deliveries and at different times such as earlier in the morning or later at night. Therefore, I appreciate it won't be possible for a representative NIA to be provide until things return to normal.*

### **Environmental Protection updated comment**

*Environmental Protection has no objections to this application subject to the attached conditions:*

#### *Conditions*

1. *A Noise Impact Assessment (NIA) shall be provided that assess all potential noise sources.*

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

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

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

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

#### *Assessment*

*The proposed development site is located behind and to the north of Davidson Mains, Main Street. The site consists of a vacant car repair business and associated land. It also includes part of the rear car park of the Tesco Store located at the northern part of the site. The northern edge of the site is bounded by the embankment of a disused rail line. The Tesco Store is located to the west / north-west of the development site. To the west of the central part of the site is located a small car parking area. 15m further*

*west from the site boundary is located a large beer garden belonging to a Public House on the Main Street. The rear of a vacant bank building also bounds the site. Adjacent to the former bank is located a two storey residential building on the Main Street, which also bounds the southern part and access to the site.*

*To the east, on the other side of site access, is located another Public House which has a small beer garden to the rear. The central and north protrusion part of the site is bounded by residential accommodation to the east and south respectively.*

*The recent use of the site for vehicle repair and the historic use of the north part of the site as a railway siding / goods yard, requires that ground investigation for contamination shall be required. Therefore, a condition has been recommended.*

*The development site is surrounded by a number of businesses where deliveries, building services and customer noise, could significantly impact on the amenity of residents in the proposed development. Therefore, a condition has been recommended for a Noise Impact Assessment (NIA) to be provided when a full planning application is made. Due to the close proximity to nearby noise sources, it is anticipated that mitigation is likely to be required to ensure a reasonable standard of amenity for residents, as well as provide protection to the existing business and ensure that they can continue to operate without additional restrictions on their activities.*

*A Climate Emergency has been declared by the Scottish Government and they have amended the Climate Change Bill to set a 2045 target for net zero emissions. The City of Edinburgh Council has set an even more ambitious target for the city to become carbon neutral by 2030. Therefore, new developments provide a great opportunity to include zero carbon technology for the energy source(s). I recommend that a Sustainability Statement is submitted along with the full planning application.*

*Air Quality is also a very important area of concern. Although the development site is not located either in or close to an Air Quality Management Area (AQMA), zero carbon technology will not contribute pollutants which reduce air quality for residents. With regard to the car parking provision, cars are not a sustainable form of transport and do contribute to air quality issues (including electric vehicles through brake and tyre dust do). Therefore, we encourage car parking provision to be kept as low as possible and the number of electric vehicle charging points to be higher than the minimum required in the Edinburgh Design Standards.*

*In summary, Environmental Protection have no objections to the application subject to the attached condition.*

### **Affordable Housing comment**

*Can you ask the applicant to submit an 'Affordable Housing Statement' (which will be a public document available on the City of Edinburgh Council's Planning Portal) which sets out how they have addressed/plan to address the following points:*

- o The applicant should agree with the Council the tenure type and location of the affordable homes prior to the submission of a planning application*

- o *The applicant is requested to enter into an early dialogue the Council to identify a Registered Social Landlord (RSL) to deliver the affordable housing on site*
- o *The applicant should make provision for a minimum of 70% of the affordable housing on site to be social rent.*
- o *The affordable housing should include a variety of house types and sizes which are representative of the provision of homes across the wider site.*
- o *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"*
- o *The affordable homes should be designed and built to the RSL design standards and requirements.*
- o *The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

## **Affordable Housing comment updated**

### *1. Introduction*

*Housing Management and Development are the consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).*

- o *Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*
- o *25% of the total number of units proposed should be affordable housing.*
- o *The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

*<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>*

### *2. Affordable Housing Provision*

*This application is for a development consisting of up to 36 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (9) homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council on the design, mix and location(s) of the affordable housing, and identification of the Registered Social Landlords (RSL) so that an integrated and representative mix of affordable housing can be delivered on site.*

*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. The affordable housing should be a representative mix of the market housing being provided across the site. The Council aims to secure 70% of new onsite housing for social rent and we ask that the applicant enters into an early dialogue with us and our RSL partner organisations to ensure that this is delivered.*

*The affordable homes should be situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.*

### 3. Summary

*There is a requirement to provide 25% on site affordable housing to assist in the delivery of a mixed sustainable community:*

- o The applicant will be required to submit an "Affordable Housing Statement", setting out their approach to the following points and which will be a public document available on the City of Edinburgh Council's Planning Portal.*
- o The applicant should agree with the Council the tenure type and location of the affordable homes prior to the submission of a planning application*
- o The applicant is requested to enter into an early dialogue the Council to identify a Registered Social Landlord (RSL) to deliver the affordable housing on site*
- o The applicant should make provision for a minimum of 70% of the affordable housing on site to be social rent.*
- o The affordable housing should include a variety of house types and sizes which are representative of the provision of homes across the wider site.*
- o 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"*
- o The affordable homes should be designed and built to the RSL design standards and requirements.*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

### **Flood Prevention comment**

*The applicant has conducted a flood risk assessment and it may be useful to consult with SEPA to ask them to review it. However, I'm not sure how often they respond to consultation requests for individual sites where there is not a significant flood risk from multiple sources. I have reviewed the information on the portal and have the following comments, to be addressed by the applicant:*

- 1. The applicant has not completed a self-certification declaration (Certificate A1) covering the flood risk assessment and surface water management plan.*
- 2. The applicant has not completed a SWMP checklist. The checklist provides a summary of the information provided to support the application and can be found at the link in my signature below.*
- 3. Please confirm who will adopt and maintain the surface water drainage system*
- 4. Please identify existing and proposed ground level surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outside of the site, from unpaved areas*

*within the site, and from paved areas in events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. First, to understand if there is any significant re-direction of surface flows to surrounding land. Second, to identify if surface water will flow towards property entrances. The drawing should also show how the perimeter cut off drains manage surface water flood risk from runoff outside of the development boundary entering the site.*

5. *Please confirm the finished floor level of the proposed development blocks*

### **Flood Prevention updated comment**

*Following our meeting, below are some comments to be addressed by the applicant:*

1. *The applicant has not completed a self-certification declaration (Certificate A1) covering the flood risk assessment and surface water management plan.*
2. *The applicant has not completed a SWMP checklist. The checklist provides a summary of the information provided to support the application and can be found at the link in my signature below.*
3. *Please confirm who will adopt and maintain the surface water drainage system*
4. *Please identify existing and proposed ground level surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outside of the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. First, to understand if there is any significant re-direction of surface flows to surrounding land. Second, to identify if surface water will flow towards property entrances. The drawing should also show how the perimeter cut off drains manage surface water flood risk from runoff outside of the development boundary entering the site.*
5. *Please confirm the finished floor level of the proposed development blocks*
6. *Please confirm the condition and capacity of the culvert is sufficient to accommodate the proposed surface water discharge. Could you please provide us with a copy of the CCTV survey undertaken?*

### **Flood Prevention updated comment**

*I have reviewed the updated information and have the following comments to consider during determination.*

1. *The applicant has conducted a CCTV survey on the culvert but also notes the uncertainty in the location and condition of the culvert. The survey was unable to be completed due to obstructions. Before construction commences, it is recommended a more detailed survey and examination of the culvert is undertaken. The survey should confirm whether repair and maintenance work is required on the culvert.*
2. *Could the applicant please provide written confirmation that Scottish Water accept the proposed surface water discharge to the culvert.*
3. *Could the applicant please provide written confirmation that Scottish Water will adopt and maintain the surface water drainage system, including SuDS.*

## **Flood Prevention updated comment**

*This application has largely satisfied the self-certification scheme. There are however some outstanding issues that could potentially be conditioned:*

- 1. The applicant has conducted a CCTV survey on the culvert but also notes the uncertainty in the location and condition of the culvert. The survey was unable to be completed due to obstructions. Before construction commences, it is recommended a more detailed survey and examination of the culvert is undertaken. The survey should confirm whether repair and maintenance work is required on the culvert.*
- 2. Could the applicant please provide written confirmation that Scottish Water accept the proposed surface water discharge to the culvert.*
- 3. Could the applicant please provide written confirmation that Scottish Water will adopt and maintain the surface water drainage system, including SuDS.*

## **Roads Authority Issues**

*Whilst Transport has no objection relation to the principle of residential development on this site, this application should be refused for the following reasons:*

- 1. It is considered that the proposals are contrary to LDP policy Des 7 - Layout Design as:
  - a. The design of the transport elements of this proposal (streets, cycle and footpaths etc) is not considered to be of a comprehensive and integrated approach;*
  - b. The proposed layout is considered to be mainly based on the movement and storage of motor vehicles and will be unlikely to further encourage walking and cycling. Design features to minimise traffic speeds and minimise potential conflict between pedestrians, cyclists and motorised traffic do not appear to have been utilised;*
  - c. The proposed development does not provide overlooking/natural surveillance of the cycle and pedestrian route;**
- 2. It is considered that the proposals are contrary to LDP policy Tra 9 - Cycle and Footpath Network as:
  - a. Have an adverse impact on the proposed off-road cycle/footpath link immediately north of the site. As per LDP Table 9 - Transport Proposals and Safeguards - T7 various off-road cycle/footpath improvements (See note IV for further information);*
  - b. The proposed realignment of the off-road cycle and pedestrian route generally prejudices the continuity of the off-road path network;*
  - c. Will adversely affect the public right of way and the proposed replacement is not of a satisfactory standard;**

*Note:*

- 1. The application has been assessed under the current parking standards (updated January 2020). These permit the following:
  - a. A maximum of 36 car parking spaces (1 space per unit). 30 car parking spaces are proposed;**

- b. A minimum of 81 cycle parking spaces (1 space per 1 room unit, 2 spaces per 2/3 room unit and 3 spaces per 4+ room unit. Calculation based on habitable rooms). 70 cycle parking spaces are proposed;
- c. A minimum of 8% of car parking should be designated as accessible, this would result in a requirement for 2 accessible spaces. 0 accessible spaces are proposed;
- d. A minimum of 1 of every 6 car parking spaces should be equipped with electric vehicle (EV) charging infrastructure, this results in a requirement for 5 EV spaces. 0 EV spaces are proposed;
- e. A minimum of 1 dedicated motorcycle parking space (1 space per 25 units). 0 dedicated motorcycle parking spaces are proposed;

II. The justification for the proposed level of car parking is based on the site's accessibility to public transport. Car parking provision does comply with the current standards, but if this application is approved it is expected that car parking will be a reserved matter and dealt with on any subsequent applications, where a more detailed justification would be expected;

III. It appears applicant has not applied the current parking standards (updated January 2020) when calculating the required level of cycle parking provision. In its current form the proposed level of cycle parking provision is considered contrary to LDP Policy Tra 3 - Private Cycle Parking, but if the application is approved it is anticipated that all parking would be a reserved matter and would be dealt with on subsequent applications;

IV. The proposed off-road cycle/footpath link outlined in table 9 of the LDP (T7) is a safeguard to provide an off-road connection between the Blackhall Path and Barton Avenue. Whilst potentially sections of this link could be provided within this development what has been proposed as part of this application is unacceptable due to the proposed alignment, path width, natural surveillance/overlooking of the path and the general surrounding environment of path (proximity to walls and fences and generally being "hemmed" in). The Edinburgh Street Design Guidance Fact Sheet C1 - Designing for Cycling is relevant, particularly the principles for cycling design:

- a. Safety
- b. Directness
- c. Comfort
- d. Coherence
- e. Attractiveness
- f. Adaptability

V. A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments and demonstrates that the proposed development would generate a total of 216 daily people trips, with 23 two-way people trips in the AM peak and 20 two-way people trips in the PM peak. By applying relevant census data related to modal split, in this case the applicant has utilised travel to work or study which shows that for this area 50% by car, 23% by public transport and 11% by active travel resulting in 13 two-way vehicle trips in the AM peak and 11 two-way vehicle trips in the PM peak, meaning an average of 1 additional vehicle every 5 mins

*which will have minimal impact on the surrounding road network. No analysis of the existing use of a mechanics garage has been provided, it is anticipated that this generates a number of existing trips that would likely be mainly by vehicles, meaning the net impact of the proposed development is less than what is stated here or potentially would even result in a net reduction of vehicle trips;*

## **Roads Authority Issues updated**

*Further to the memorandum dated the 15th of May and based on further discussions regarding this application transport have no objections to the principle of housing on this site as proposed in this application subject to the following being included as conditions or informatives as appropriate:*

- 1. The design and layout of the road infrastructure, including footways, footpaths, accesses, cycle tracks, verges and service strips to be a reserved matter and to be agreed through future applications;*
- 2. Parking numbers including car, cycle, accessible, electric vehicle and motorcycle parking to be a reserved matter and to be agreed through future applications;*
- 3. The applicant will be required to:*
  - a. Provide a dedicated active travel route through the site to provide a connection between Main Street and the off-road path network to ensure the site is permeable for pedestrians and cyclists;*
  - b. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
  - c. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
  - d. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*
- 4. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*
- 5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*

7. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent;

8. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

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

10. 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;

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

Note:

1. It is understood that all parking will be a reserved matter and dealt with through future applications, the following assessment under the current parking standards (updated January 2020) is for information only:

a. A maximum of 36 car parking spaces (1 space per unit). 30 car parking spaces are proposed;

b. A minimum of 81 cycle parking spaces (1 space per 1 room unit, 2 spaces per 2/3 room unit and 3 spaces per 4+ room unit. Calculation based on habitable rooms). 84 cycle parking spaces are proposed;

c. A minimum of 8% of car parking should be designated as accessible, this would result in a requirement for 2 accessible spaces. 2 accessible spaces are proposed;

d. A minimum of 1 of every 6 car parking spaces should be equipped with electric vehicle (EV) charging infrastructure, this results in a requirement for 5 EV spaces. 5 EV spaces are proposed;

e. A minimum of 1 dedicated motorcycle parking space (1 space per 25 units). 1 dedicated motorcycle parking spaces are proposed;

II. *It is understood that this application will agree the principle of housing on this site, with detailed design of the transport infrastructure being provided in subsequent AMC applications. The applicant should note that the proposals shown as part of this PPP application are considered contrary to LDP Policy DES 7- Layout Design and TRA 9 Cycle and Footpath Network as per Transport's previous response (15th of May 2020) and it is considered that the amendments proposed do not address the fundamental issues that have been raised.*

III. *The off-road cycle/footpath link outlined in table 9 of the LDP (T7) is a safeguard to provide an off-road connection between the Blackhall Path and Barton Avenue. Sections of this link will need to be incorporated within this development and subsequent applications should ensure firstly the principle of this active travel link and also that it is designed to high standard with a particular focus on alignment, path width, natural surveillance/overlooking of the path and the general surrounding environment of path (proximity to walls and fences and generally not being "hemmed" in). The applicant should note the Edinburgh Street Design Guidance, in particular Fact Sheet C1 is relevant, which includes the key principles for cycling design:*

- a. *Safety*
- b. *Directness*
- c. *Comfort*
- d. *Coherence*
- e. *Attractiveness*
- f. *Adaptability*

IV. *The principle of vehicular access from Main Street is agreed, again the design of which would be agreed through subsequent applications. Any future junction design should be in-line with the Edinburgh Street Design Guidance and promote priority for vulnerable users.*

V. *A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments and demonstrates that the proposed development would generate a total of 216 daily people trips, with 23 two-way people trips in the AM peak and 20 two-way people trips in the PM peak. By applying relevant census data related to modal split, in this case the applicant has utilised travel to work or study which shows that for this area 50% by car, 23% by public transport and 11% by active travel resulting in 13 two-way vehicle trips in the AM peak and 11 two-way vehicle trips in the PM peak, meaning an average of 1 additional vehicle every 5 mins which will have minimal impact on the surrounding road network. No analysis of the existing use of a mechanics garage has been provided, it is anticipated that this generates a number of existing trips that would likely be mainly by vehicles, meaning the net impact of the proposed development is less than what is stated here or potentially would even result in a net reduction of vehicle trips;*

VI. *The application site does not fall into any transport contribution zones and there are no relevant transport actions within the proximity of the site when considering the LDP Action Programme (Feb 2020);*

## Public Right of Way comment

*Graham is better placed to comment on the legal opinion prepared by Morton Fraser but really the status of the route as a PROW is not the main issue here. Access is currently available across this site and this will remain the case following the development. The comments received focus on the quality of this access and I see that recent design changes reflect these comments with the two 90 degree bends now changed to 45 degrees to provide better visibility at these points.*

## Location Plan

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**END**