

Development Management Sub-Committee Report

Wednesday 26 April 2023

**Application for Planning Permission in Principle
Land 160 Metres Northeast Of, 4 Oversman Road, Edinburgh**

Proposal: Proposed development of three detached business and industrial units, including trade counter (use Classes 4, 5 and 6) and Sui Generis car showroom with associated access, car parking and landscaping.

**Item – Committee Decision
Application Number – 22/05666/PPP
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as the site is Council owned. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The principle of use of the site for business and industrial unit(s) with trade counters (use classes 4, 5 and 6) and/or a sui generis car showroom, is acceptable and complies with the Development Plan. Matters of building quantity, density, positions, scale, height, proportion, architectural form and materials, landscaping, surface water drainage, sustainability, air quality, access arrangements and parking, waste and recycling facilities, are all for consideration in future application(s) for matters specified in conditions.

There are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is an area of vacant land of some 1.99 hectares, bordered by Oversman Road to the south and Whitehill Road to the east. Larger industrial and commercial buildings generally of a functional appearance are within its vicinity. These include a timber merchant, a range of home improvement stores, car dealerships and fast food outlets.

It is located within a business and industrial area as identified in the Local Development Plan (LDP) and adjacent to a commercial centre.

Description of the Proposal

The proposal is for planning permission in principle for three detached business, industrial or storage units (use classes 4, 5 or 6) or sui generis car showroom, with trade counters and associated car parking and accesses.

The applicant is applying for the principle of the proposed development only and not for the following matters of detail:

- positioning of buildings, heights of buildings, form and finishes of buildings;
- internal road layout, including pedestrian/cycle routes and accesses, and waste servicing layout.
- accesses.
- service/customer yards.
- customer vehicle and cycle parking.
- surface water and drainage arrangements.
- landscaping/soft landscaping layout and design.
- ground site levels and finished floor levels.

A site plan has been submitted with the application on which is delineated three detached buildings positioned on the northern part of the site. The buildings have an internal floor area of some 997 square metres, 2787 square metres and 2787 square metres. Three separate vehicular accesses off Oversman Road at points on the southern boundary of the site are delineated. Also, car parking area are delineated on the southern part of the site. On the site plan it is stated that "site detail and plot areas are for indicative/illustrative purposes only".

No detailed layout, or elevational design has been submitted at this stage.

Supporting Information

The following supporting documents has been submitted with the application:

- planning statement
- design and access statement
- air quality impact assessment
- flood risk assessment and surface water management plan
- preliminary ecology report
- arboricultural impact assessment
- noise impact assessment
- transportation statement
- sustainability statement and sustainability form S1
- report on site investigation

These are available to view on the Planning and Building Standards Online Service.

Relevant Site History

22/05138/SCR
Land 160 Metres Northeast Of
4 Oversman Road
Edinburgh
EIA screening request.
EIA Not Required
18 October 2022

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Archaeologist

Transportation

Coal Authority

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 17 November 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25, 37 and 59 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

As this application is for planning permission in principle, it requires a condition that the development in question will not begin until there is approval of matters specified in the condition by the planning authority. This report will consider which matters shall be included in this condition.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan.

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 climate and nature crises policies 1, 2, 3 and 9
- NPF4 historic assets and places policy 7
- NPF4 Business and Industry policy 26
- LDP environment policies Env 12, Env 22
- LDP employment and Economic Development policy Emp 8
- LDP transport policies Tra 2, Tra 3, Tra 4

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of environment and transport policies.

SUSTAINABLE PLACES

Climate Mitigation and Adaptation

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' through the use of a brownfield site for sustainable, energy-efficient business/industrial development within an established business/industry part of the city.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

LDP Policy 22 (Pollution and Air, Water and Soil Quality) presumes against development proposals where there will be a significant effect for health, including air quality, the environment and amenity.

The site is a brownfield site within the urban area, within an established business/industrial area. The proposal avoids greenfield development and instead, it will bring a vacant site back into use.

The applicant has submitted a sustainability form in support of the application. Part A of the standards set out in the form is met through the provision of low and zero carbon technology and no fossil fuel use is proposed on site. In addition, roof mounted photovoltaic (PV) panels will facilitate on-site electricity generation. Enhanced cycle storage provision for both site visitors and employees is to be provided, including electric bike charging points and non-standard cycle spaces.

The stated intended sustainability measures meet the current standards set out in the sustainability form.

The application is accompanied by an Air Quality Impact Assessment (AQIA). At this planning permission in principle stage the precise operational impacts of the development cannot be fully ascertained. The exact number of the parking spaces at the proposed development is yet to be confirmed. Notwithstanding, the supporting information advises that an approach to facilitate a rapid shift to electric vehicles (EVs) is being adopted. This will provide over 12 parking spaces with e-charging, and all other parking spaces will be EV-ready with infrastructure for future expansion. Edinburgh Design Guidance requires a minimum of 17% EV charging provision. The applicant is committed to ensuring that 40% of whatever the final number of general parking spaces is will be EV powered from the outset. In addition, the applicant plans to install EV facilities for delivery vehicles.

Given that this application seeks only the principle of the development and the fact that the precise energy strategy of the proposed development is yet to be confirmed, if permission is granted it should be subject to a condition requiring an updated AQIA to be submitted for consideration at the detailed application stage.

Flooding and Drainage

LDP Policy Env 21 (Flood Protection) presumes against development that would increase flood risk.

It is proposed to provide separate drainage systems for foul and surface water within the site which will discharge into existing Scottish Water Foul and Surface Water sewers, adjacent to the site in Oversman Road. The applicant has provided the relevant full flood risk assessment (FRA) and surface water management information for the site as part of the self-certification (with third party verification) process. The FRA does not identify any issues associated with flooding and concludes that the overall Flood Risk is low.

The proposals satisfy the Council's Flood Prevention requirements.

Biodiversity

NPF4 Policy 3 (Biodiversity) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

LDP Policy 12 (Trees) states that development will not be permitted if likely to have a damaging impact on any tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

There are a number of trees, hedges and shrubs within the site. An arboricultural assessment submitted in support of the application states that to facilitate the development the majority of woody plants on site will have to be removed. These are low quality young trees and shrubs with low life expectancy and these that can be replaced with new planting.

A condition is recommended that a future application for a scheme of hard and soft landscaping be submitted to and approved by the planning authority. Subject to this, the proposal is in accordance with NPF4 Policy 3 and LDP Policy Env 12.

NPF4 Policy (Natural Places) part 4f, states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests.

A report on an ecological assessment of the site was submitted with the application. The report confirms that no evidence of protected species was identified.

A condition is recommended that swift bricks and bat bricks are included on elevations of new buildings and within the site.

Conclusion in relation to climate mitigation and adaptation

In conclusion, the development will meet the sustainability requirements of NPF4 Policies 1, 2 and 9 in terms of location on a brownfield site, energy efficiency and surface water management.

The development will also support and encourage local biodiversity and will have no adverse impact on protected species or significant trees, in accordance with NPF4 Policy 3 and LDP Policy Env 12.

Archaeological Remains

NPF4 Policy 7 (Historic assets and places) part o, states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.

The application site is the site of the historic Newcraighall Colliery and Brickworks closed in the 1960's and early 1990's respectively. The site is therefore regarded as occurring within an area of archaeological potential. It is essential therefore that a programme of archaeological work is carried prior to development to ensure the appropriate excavation, recording and analysis of any surviving archaeological remains is undertaken. Accordingly, if permission is granted it is essential that a programme of archaeological works is undertaken prior to commencement of development in site.

The proposed development is in accordance with NPF4 Policy 7.

Design, Quality and Place

NPF4 Policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

The application is for planning permission in principle only and the site plan submitted with the application is marked as for illustrative purposes. Whilst the principle of the development is acceptable, detailed design matters, including numbers/floorspace of commercial units, heights, design and appearance of buildings, surface water drainage, sustainability and waste and recycling arrangements, are not for assessment at this stage. It is recommended that these are reserved for consideration at the further application submission stage, at which they would be assessed against NPF Policy 14 and the LDP design policies Des 1 - Des 8.

Other details matters, including the number and position of the access(s) into the site off Oversman Road, location and quantity of car parking, will also require assessment and it is also recommended that these are reserved for consideration at the further application submission stage.

Uses

NPF4 Policy 9 (Brownfield, vacant and derelict land) states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

LDP Policy Emp 8 supports business, industrial or storage development on sites identified on the Proposals Map as part of a 'Business and Industry Area'.

NPF4 Policy 26 (Business and industry) supports development proposals for business and industry uses on sites allocated for those uses in the LDP.

The site lies within an urban area and on a site identified for business and industry as defined in the Edinburgh Local Development Plan (LDP). The proposed development of Classes 4 (business), 5 (general industrial), 6 (storage or distribution) or sui generis car showroom sale of motor vehicles), is compatible with the primary business/industrial function of the area and the business/industrial character of the area. The proposal will bring into reuse a brownfield site that has been vacant for some time. Thereby, in land use terms the principle the proposal accords with NPF Policies 9 and 26.

Amenity of neighbouring residents and future occupiers of the site

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

NPF4 Policy 26 Part e) i) (Business and industry) states that development proposals for business and industry will take into account the impact on surrounding residential amenity, sensitive uses and the natural historic environment. This is addressed below.

Noise

A noise impact assessment has been provided in support of the application which considers the potential noise impacts associated with the proposal on the nearest noise sensitive receptors to the site. The proposed uses will result in vehicle movements (both for servicing the site and for customers). The nearest noise sensitive properties to the loading bay are the houses nearby on the north side of Craighall Road and also, to the south on Whitehill Road. The houses to the north are directly facing onto the road that has a constant flow of traffic during the day and into the evening. The houses are shielded from the application site by existing industrial/storage facilities. The house to the south is on a road that has a regular flow of vehicles and is also shielded from the application site by existing car showroom and associated facilities. The NIA therefore concludes that there are no reasons in terms of noise impact why the times of deliveries should be restricted and that noise from car parks on the site would not cause adverse noise impact.

It is concluded that existing neighbouring residences would not be significantly adversely affected in terms of noise nuisance from the proposed development.

Odour, vibration and lighting

The proposed uses could include vehicular cosmetic repair facilities and therefore a VOC/odour/fume assessment has been provided in support of the application. The assessment advises that any odour impact potential is considered to be small. The nearest flue extraction point source within the proposed development would be located approximately 90 m from the closest sensitive residential receptor. The assessment advises that effective dispersion should be rapidly achieved from the point of exit. It is therefore expected that any associated fumes will be unlikely to impact upon residential amenity.

Ground Contamination

The site may be affected by contamination and historical coal mining issues which will require assessment and remediation to ensure the site is made safe for the proposed end use. Should permission be granted a condition is recommended to ensure the site is made safe for the proposed end use.

Transportation

Access and Traffic Generation

LDP Policy Tra 8 (Provision of Transport Infrastructure) states that development proposals relating to development sites, and which would generate a significant amount of traffic, shall demonstrate through an appropriate transport assessment and proposed mitigation that:

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The Roads Authority raise no objection to the application. However, they request that a full Transportation Assessment should be submitted in support of a future application for matters specified in conditions for a detailed development for the site. A condition is recommended to secure this.

Car and Cycle Parking

LDP Policy Tra 2 (Private Car Parking) requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The Council's parking standards contain no minimum levels for car parking. As is explained above the applicant is committed to ensuring that 40% of whatever the final number of general parking spaces is will be EV powered from the outset. In addition, the applicant plans to install EV facilities for delivery vehicles. The exact number of the parking spaces at the proposed development can be reserved for consideration at the further application submission stage.

LDP Policy Tra 3 (Private Cycle Parking) requires that cycle parking and storage within the development complies with Council guidance.

The exact number and types of cycle parking can be reserved for consideration at the further application submission stage.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict.

c) Other matters to consider

The following matters have been identified for consideration:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

No representations were received.

Conclusion in relation to other matters considered.

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The principle of use of the site for business and industrial unit(s) with trade counters (use classes 4, 5 and 6) and/or a sui generis car showroom, is acceptable and complies with the Development Plan. Matters of building quantum, density, scale, height, proportion, architectural form and materials, layout and landscaping, are all for consideration in future application(s) for matters specified in conditions. Additionally, vehicle and pedestrian accesses, levels of car and cycle parking, and specific measures to mitigate likely air quality management impacts, are also for consideration in a future application for matters specified in conditions.

There are no other material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following:

Conditions

1. The development to which this planning permission in principle relates must be begun not later than the expiration of five years beginning with the date on which this planning permission in principle is granted. If development has not begun at the expiration of the period mentioned in paragraph, the planning permission in principle lapses.

2. Application for the approval of matters specified in condition must be made before whichever is latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the permission,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed or, where the earlier application is the subject of a review by the Council's Local Review Body, the expiration of 6 months from the date of the notice of the decision to uphold the determination, and may be made for
 - (a) different matters, and
 - (b) different parts of the development, at different times.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. Notwithstanding the submitted drawings and for the avoidance of doubt, the indicative proposal plans submitted as part of this PPP application, and represented on planning drawing No.KIN-CDA-SW-ZZ-DR-A-020002 Revision P1 do not represent an approved scheme and all site layout, design and landscaping matters are reserved.

Details of all matters listed below shall be submitted for consideration by the Planning Authority in a single package of information, for each phase or phases and the development in question will not begin until the following matters have been approved by the Council as planning authority. The submission shall be in the form of a detailed layout covering points (a) - (v) below.

- a) a site development layout showing built development, footpath, cycle, and road access and connections, including landscape space provision, SUDS drainage and landscaping.
- b) the precise location and extent of individual buildings and uses within classes 4, 5, 6 or sui generis car showroom.
- c) details of the siting, form, height, and design of all buildings and external features and materials and appearance of all buildings and glazing specifications and ground floor levels in relation to Ordnance Datum.
- d) design and configuration of all external materials and finishes.
- e) existing and finished site and floor levels in relation to Ordnance Datum.
- f) layout and design of car parking, vehicle manoeuvring and service areas.
- g) details of the provision of electric vehicle charging outlets and ducting.
- h) footpaths, cycle routes and verges.
- i) waste management and recycling facilities.
- j) submission of a Safety Audit for the proposed accesses.
- k) Swept path analysis for all access points to the site and development layout, and details of all internal road and path layout(s) for vehicles, cyclists and pedestrians.
- l) Submission of a Travel Plan.

- m) Daylight, sunlight, privacy and overshadowing assessments to ensure there are no adverse impacts on neighbouring amenity.
- n) Surface water management plan, drainage arrangements, SUDS proposals and SUDS maintenance plan.
- o) full details of the landscape proposals including:
 - (i) A schedule of all plants and trees to comprise species, plant size and proposed number and density.
 - (ii) boundary treatments.
 - (iii) Tree survey and any subsequent tree removal and tree protection measures.
 - (iv) Programme of completion and subsequent maintenance.
- p) Full details of sustainability measures and onsite renewable energy.
- q) A scheme for external lighting.
- r) full details of proposed mechanical ventilation system.
- s) details of any cooking ventilation systems for Class 4 or class 5 uses.
- t) ventilation details for cooking premises.
- u) any further noise, fume, odour, dust, or light mitigation measures arising from the updated studies, including details, materials and finishes.
- v) walls, fences, gates, and any other boundary treatments.
- w) existing and proposed services such as cables, pipelines, substations.
- x) other artefacts and structures such as street furniture, including lighting columns and fittings.
- y) details of swift and bat boxes to be incorporated within the new buildings and within the site.

The following supporting information shall also form part of any submission:

1. an updated Air Quality Impact Assessment including mitigation measures.
 2. an updated Ecology Assessment and Bat survey including mitigation measures during construction and operation.
 4. an updated Light Pollution Assessment including mitigation measures.
 5. an updated Noise Assessment including mitigation measures.
 6. a Transportation Assessment.
 7. an updated Design and Access statement, detailing the layout, buildings and spaces, accessibility, safety and security, sustainability and energy efficiency.
 8. an updated drainage and surface water management strategy including site levels and landscaping to ensure it safely managed exceedance surface water flow.
 9. details of adoption, management and maintenance of the landscaping, SUDS, and any other drainage measures.
 10. an updated waste management strategy.
5. Prior to the occupation of the development, air quality mitigation measures either as set out below or as set out in an updated Air Quality Assessment as part of the AMC application should be implemented. The air quality measures shall include:
- disabled car parking spaces in line with Council standards.

- a travel plan.
 - secure and under cover cycle parking in accordance with Council standards.
 - electric vehicle charging provision spaces (1 EV space per 6 spaces provided will be `actively' powered).
 - ducting of the rest of the parking spaces provided (i.e. `passive' provision) such that future EV charging can be retrofitted as demand dictates.
6. Noise mitigation measures (including maximum plant noise specifications) as noted within Sharps and Redmore noise impact assessment Project No 2221156 and dated 9th January 2023, shall be installed and operational prior to start of operations on site.

Reasons: -

1. To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country Planning (Scotland) Act 1997.
3. In order to safeguard the interests of archaeological heritage.
4. In order to secure a satisfactory design and layout.
5. In the interest of air quality management.
6. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.

Informatives

It should be noted that:

1. 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.
2. 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.
3. Notwithstanding the submitted drawings and for the avoidance of doubt, the design proposals submitted as part of the PPP application do not represent an approved scheme and all matters are reserved.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 9 November 2022

Drawing Numbers/Scheme

01

Scheme 1

**David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council**

Contact: Adam Thomson, Planning Officer
E-mail: adam.thomson@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection
COMMENT: No objection. Conditions are recommended.
DATE: 31 January 2023

NAME: Archaeologist
COMMENT: No objection. A condition is recommended.
DATE: 23 November 2022

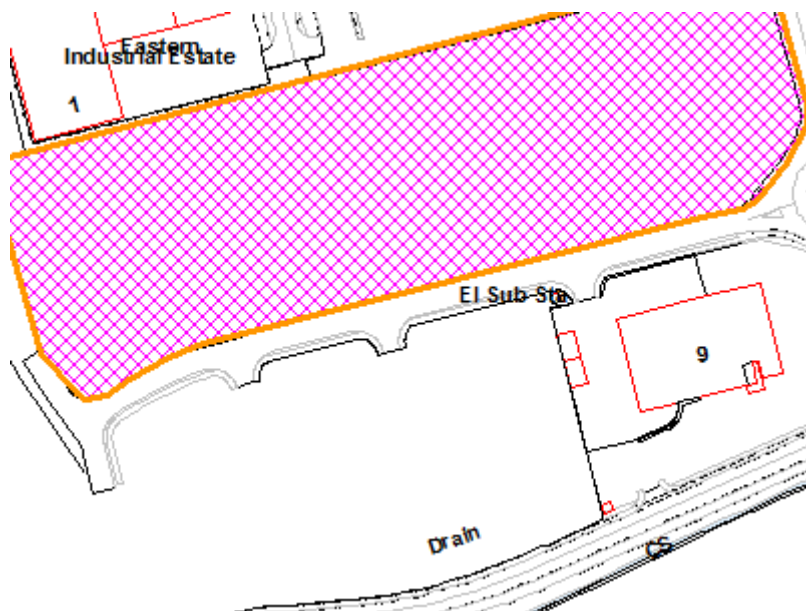
NAME: Transportation
COMMENT: No objection

A Transportation Statement is not enough. A condition is recommended requiring a Transport Assessment.
DATE: 13 January 2023

NAME: Coal Authority
COMMENT: No objection.
DATE: 18 April 2023

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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