

# Development Management Sub-Committee Report

**Wednesday 22 November 2023**

**Application for Planning Permission in Principle  
land south west of Old Liston Road, Newbridge.**

**Proposal: Planning Permission in Principle for erection of logistics, business and industrial development, related uses including trade counter and EV charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping.**

**Item – Committee Decision  
Application Number – 23/01423/PPP  
Ward – B01 - Almond**

## **Reasons for Referral to Committee**

The proposed development is contrary to the development plan. 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 proposal is contrary to the development plan in relations to its allocation for housing under the Edinburgh Local Development Pan (LDP) 2016 and Policy 26 of NPF4 as the site is not allocated for business and industry. Whilst the proposed development is contrary to the LDP and NPF4 Policy 26 (Business and Industry), it meets the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation. Issues concerning prematurity are engaged but the development proposal is not so substantial, nor its cumulative effects so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the Proposed City Plan 2030.

There are special circumstances which justify granting permission for the development which is contrary to the development plan. Delivering housing on the site has not been achieved during the LDP period and based on the evidence submitted with the application it is considered that there are severe constraints on delivery and that it is unlikely that housing will be delivered on the site within the Proposed City Plan 2030 lifespan. The proposal will contribute to the local, regional and national economy by reusing a former vacant industrial site. It is sustainably located in terms of transport links and will re-use brownfield land, enhance biodiversity and mitigate for the climate and nature crises. The limited transport and archaeology issues can be appropriately addressed by condition. There are no flooding issues. In this context, the proposal is acceptable, and it is recommended that the application be granted subject to conditions. There are no other material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is the former Continental Tyres factory site south west of Newbridge village. It has lain vacant since the factory closed in 1999. The buildings have been demolished and much of the internal road layout is still visible on the site. The application site is 20.28ha and is fairly level. The sole vehicular access is from Old Liston Road at the north eastern section of the site which connects with the A89 and A8/ M8/M9 at the Newbridge roundabout. A row of trees is on the north of the site just within the entrance to the site and there are other trees on the site mainly on the east and west sides.

To the north there is housing and to the east and south there are industrial units including storage and distribution warehouses. To the north-west and west the site is bounded by the River Almond Site of Local Nature Conservation Site (LNCS) and Site for Importance for Nature Conservation (SINC). A plastics factory is to the south west of the site. The Glasgow to Edinburgh railway line runs in an elevated position along the southern boundary, just beyond the access road to the plastics factory. Across Old Liston Road, to the north-east of site, lies a Scheduled Ancient Monument - Huly Hill, Cairn and Stone Circle. Beyond this further to the north-east is the main runway at Edinburgh Airport, of which the Public Safety Zone passes through the application site.

The site has a series of constraints including the BAA no build corridor, electricity sub stations, access rights to Scottish Power and British Gas wayleaves and the plastics industrial process on the south western corner. A footpath runs along the eastern side of the River Almond, connected to the existing housing at Riverside.

### **Description of the Proposal**

The Planning Permission in Principle is for the erection of logistics, business and industrial development, related uses including trade counter and electric vehicle charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping. It will provide 64,837sqm across 27 units ranging from 186sqm to 11,148sqm.

The indicative masterplan shows that the existing access and position of the internal road at this point will be retained. To the south of the access road there will be three rows of small units and further into the site, north and south of the access road, will be larger units with the biggest ones on the edge of the application site. The maximum height of the units will be approximately 8.5 metres.

An electric vehicle charging station will be located on the north side of the access road just inside the site boundary. An access will be provided to the existing electricity substation on the south western corner.

Parking for the units will include electricity charging point spaces and accessible spaces. Indicative drawings show that parking spaces will be provided for 233 cars, 66 motorcycles and 556 cycles.

Landscaping is proposed around the perimeter, including tree planting, and scattered throughout the application site.

Parallel planning application 23/01421/FUL relates to phase one of the proposals in the Planning Permission in Principle (PPP).

### **Supporting Information**

- Air Quality Assessment
- Archaeological Impact Assessment & Written Scheme of Investigation
- Desktop Study Report
- Ecology Survey Report
- Flood risk Assessment & Addendum
- Flooding drainage and Water Strategy Report
- Landscape and Visual Appraisal
- Noise Impact Assessment
- PAC Report
- Site Investigation Report
- Statement in Support of the Development of the Site for Commercial Use
- Sustainability and Energy Statement
- Transport Assessment
- Parking Provision Report
- Planning Statement
- Design and Access Statement
- Shadow Study

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

### **Relevant Site History**

23/01421/FUL

Land South West Of Old Liston Road

Newbridge

Erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure, and landscaping.

07/04646/OUT  
1A Old Liston Road  
Newbridge  
EH28 8SJ

Application for outline planning permission for proposed demolition of existing buildings and redevelopment of site to provide new residential development including family + affordable housing, residential care home, public transport facilities, community recycling facilities, new access roads, car parking, footpaths + cycleways, public park, open space, landscaping + other ancillary community facilities.

Granted  
8 September 2014

15/02644/OBL  
1A Old Liston Road  
Newbridge  
EH28 8SJ

Application under section 75 for the Modification of Planning Obligation (Ref 07/04646/OUT) seeking to remove references to the Tram Contribution following a change in Council policy.

Granted  
19 June 2015

19/01848/AMC  
1A Old Liston Road  
Newbridge  
EH28 8SJ

To address conditions 1, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 18, 19 and 20 with further required design details in accordance with requirements of original Planning Permission in Principle (as amended).

Granted  
15 May 2020

### **Other Relevant Site History**

PPA-230-2370 (21/04210/PPP)  
Residential Development (Of Up to Approximately 500 Homes) Ancillary Retail Use, Active Travel Route, Open Space, Landscaping, Access, Services and All Associated Infrastructure (West Craigs).  
Appeal Dismissed 22 Dec 2022

PPA-230-2361 (21/00217/FUL)  
Formation Of New Access Road and Active Travel Route from East of Terminal Building To Gogar Roundabout (Airport Road).  
Appeal Dismissed 08 Feb 2022

PPA-230-2333 (20/03219/PPP)

Mixed Use Development Including Business And Employment Uses (Use Classes 4, 5 And 6); Residential (Class 9) And Sui Generis Flatted Development (Including Affordable And Student Accommodation); Hotels (Class 7); Ancillary Uses Including Retail (Class 1), Financial And Professional Services (Class 2), Food And Drink (Class 3 And Sui Generis), Non-Residential Institutions (Class 10), Assembly And Leisure (Class 11); And Associated Works Including Car Parking, Servicing, Access And Public Realm (Crosswinds).

Appeal Dismissed 09 Feb 2023

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

Aerodrome Safeguarding (Edinburgh Airport)

Network Rail

SEPA

Scottish Water

Economic Development

Environmental Protection

Transport Scotland

Transport Planning (Roads Authority)

Archaeologist

Flood Planning

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 25 April 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 28 April 2023

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 5

## 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;
- emerging policy context and prematurity of development 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 policies to be considered are:

- NPF 4 Sustainable Places policies 1, 2, 3, 4, 5, 6, 7, 9, 12, 13
- NPF 4 Liveable Places policies 14, 15, 18, 22
- NPF 4 Productive Places policies 26
  
- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 7, Des 8, Des 10
- LDP Transport policies Tra 2 Tra 3, Tra 4, Tra 7

- LDP Environment policies Env 12, Env 15, Env 21, Env 22
- LDP Housing policy Hou 7

The Edinburgh Design Guidance is a material consideration when considering LDP Design, Amenity and Transport Policies.

The West Edinburgh Strategic Design Framework 13 May 2010 states that, "West Edinburgh is an area of national economic importance with significant potential to attract inward investment, create new jobs and develop new visitor infrastructure and facilities in a high quality and sustainable environment. Scottish Planning Policy (now superseded by NPF4) in the form of the West Edinburgh Planning Framework (WEPF) recognised the potential of the area and required the preparation of strategic design guidance to help deliver the vision." The Framework will be superseded by the West Edinburgh Placemaking Framework and Strategic Masterplan which is currently out on consultation and does not include Newbridge.

### Principle of Development - Proposed Use

*Land Use: -*

#### *Land Use - Business and Industry Use*

NPF4 Policy 26 supports development proposals for business and industry uses on sites allocated for those uses in the LDP. In addition, it supports development proposals for business and industry uses where they are compatible with the primary business function of the area and enable alternative ways of working such as home working, live-work units and micro-businesses. Outwith designated sites, proposals for business and industry will only be permitted where:

- i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
- ii. The nature and scale of the activity will be compatible with the surrounding area.

The proposal would provide a range of sizes of the warehouse buildings and industrial units could also contribute to alternative ways of working as they would be easily adaptable, e.g., for micro-businesses. The site is not, however, designated for business and industry and while the nature and scale of business activity would be compatible with the surrounding area, it has not been demonstrated that there are no suitable alternative sites allocated in the LDP.

The proposals do not, therefore, accord with NPF4 Policy 26.

Economic Development has advised that the development will address the major undersupply of industrial space in Edinburgh, delivering new units of a range of sizes in close proximity to the national trunk road network. It has also advised that a development of this scale could be expected to directly support approximately 1,801 FTE jobs and could be expected to directly add £96.245 million of GVA per annum (2020 prices) to the economy of Edinburgh if fully occupied.

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. The proposed development will re-use an existing brownfield site, which has been brownfield for almost a quarter of a century. It will reduce the need for greenfield development to provide for the rising demand for warehousing which has been shown in supporting information provided by the applicant and highlighted by the Council's Economic Development Team.

The proposal will contribute to the wider regeneration and improvement of the wider area by redeveloping a vacant site which is not contributing positively to the surrounding area nor to the residential community. It will provide employment which would be within walking distance of local workers, in line with NPF4 Policy 15 (Local Living and 20 minute neighbourhoods), and improve its landscape setting. A range of business unit sizes is proposed and, although, in the form of warehousing and smaller business/trade units would be flexible to enable a range of businesses to locate in the proposed industrial estate.

The surrounding area to the south and east of the site has a business and industry character. There are warehouses and business units of differing sizes and industrial manufacturing too. The application site still retains an element of its former industrial character and be compatible with the concentration of business and industry uses to the south and east. Environmental Protection has advised that it prefers non-residential use on the site due to the amenity impacts on future residents (from odours from adjacent use). In this context, a business and industrial land use is acceptable.

The proposals include elements of retail and sui generis use. It will be necessary to limit the amount of retail and preclude food and convenience retail as the site is not in a defined retail centre. This can be done by condition. Similarly, sui generis uses are excluded due to lack of details and any such uses can be considered more appropriately through individual planning applications for units.

#### *Land Use - Housing Allocation and Extant Planning Permission*

The application site is identified for housing in the LDP (HSG4 - West Newbridge) and in Table 3 (Existing Housing Proposals) with an estimated capacity of 500 units. In the LDP Housing Land Study June 2014, the application site is listed under "Constrained sites not contributing to requirement".

Whilst little weight can be given to the Proposed City Plan 2030, it is pertinent to note that the site is also listed (in Part 4, Table 2) as an existing LDP housing site. Estimated capacity of the site is 500 residential units.

Planning permission in principle for residential development (application number 07/04646/OUT) remains extant as material operations have been carried out under related AMC application (application number 19/01848/AMC).

The factory previously occupying the site (Continental Tyres) closed in 1999 with the buildings now demolished. Since gaining permission in 2014, no housebuilder has shown interest or come forward to develop the site, which has now lain vacant for 24 years. The application site has not contributed to the delivery of housing through the LDP and no residential units have been constructed.



There is no delivery programme or housing developer committed to developing the site for residential development. This means that although housing *could* be deliverable on site and the site remaining as a housing allocation site in the Proposed City Plan 2030, it cannot be guaranteed that housing will actually be built on the site within the Proposed City Plan 2030 timeframe.

Evidence submitted for this application in the Statement in Support of the Development of the Site for Commercial Use provided by the applicant it is stated that the site that despite "extensive marketing and notwithstanding a number of development proposals were progressed and a variety of parties expressed an interest in developing the site, including for residential development, none have progressed." The Statement also states that "...despite successive attempts, the site has failed to be realised for residential development even although it has been assessed by a number of national housebuilders."

Given the constraints on the site, such as the Airport Safety Zone, noise and odours from an adjacent factory, together with a lack of commitment from housebuilders, it is unlikely that housing *will* be delivered on the site. Aircraft noise is the most significant noise affecting the site with noise also from the railway and industry also present. Reference to the impact of noise from aircraft on the health of occupants in the Statement of Support which raises the matter of it leading to poor amenity, disturbance and the impact on outdoor amenity. Commercial uses would not need to consider such high levels of amenity and, therefore, the proposed business and industry development is in a position where can be implemented, should planning permission be granted.

Impact on the delivery of housing numbers through the development plan will be minimal if residential units were not built on the application site. This is due to planning permissions being granted on sites not identified for housing in the LDP or Proposed City Plan 2030. Such permissions would balance out the 500 units capacity (as stated in the LDP) not being built on HSG 4 - West Newbridge/ the application site. An example includes the Garden District (Gogar Station Road; 15/04318/PPP) which was granted after being called in by Scottish Ministers (4 April 2022; NOD-EDB-002) with condition 2 setting a maximum of 1,350 residential units. Therefore, the required amount of housing land could still be achieved without LDP housing site HSG4.

#### *Conclusion - Principle of Development / Proposed Use*

In these exceptional circumstances, a departure from the development plan is acceptable in this instance and the proposed land use for business and industry will support the local, regional and national economy. The proposal will re-use a former industrial site for business and industry uses and help provide for the rising demand for warehousing in Edinburgh, without the need to use greenfield land. Given that housing has not been delivered on the site since planning permission was granted in 2014 and the difficulty with overcoming the constraints for housing on the site, it is considered that the housing allocation on the site is not effective and will be unable to be delivered.

## Historic Assets and Archaeology

NPF4 Policy 7 states that development proposals affecting scheduled monuments will only be supported where:

- i. direct impacts on the scheduled monument are avoided.
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

Huly Hill, cairn and stone circle is a Scheduled Monument (Ref: SM1160; date added 31/01/1931) to the east of the application site and south west of the Newbridge roundabout which links the M8 and M9. The monument is of national importance because of its potential to contribute to the understanding of prehistoric ritual and funerary practices. It is part of a larger ceremonial complex, with an outlier (scheduled separately to the east), of a kind unusual in southern Scotland.

The proposed development will not change the relationship between the application site and the Scheduled Monument. Therefore, the setting of the Scheduled Monument will not be detrimentally affected by the proposal and the proposal complies with NPF4 Policy 7(h).

NPF4 Policy 7 (Historic assets and places) requires that 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 City Archaeologist has advised that the site occurs within an area of archaeological significance and that ground works associated with development may uncover significant archaeological deposits principally relating to the area's prehistoric occupation, such as burials. It is recommended, therefore, that a programme of archaeological works is undertaken prior to and during development to fully excavate, record and analyse any significant remains that may be affected.

The use of a condition requiring a Programme of Archaeological Work will ensure that there will be no impact on archaeology. Therefore, the proposal complies with NPF4 policy 7(o).

## Climate Mitigation and Adaptation

NPF 4 policy 1 (Tacking the climate and nature crises) states that when considering all development proposals significant weight will be given to the global climate and nature crises. NPF 4 policy 2 (Climate mitigation and adaptation) intends to encourage, promote, and facilitate development that minimises emissions and adapts to current and future impacts of climate change.

The proposal will use previously developed land, and this is compatible with NPF4 Policy 9 which aims 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. The River Almond Site of Importance for Nature Conservation (SINC), although outwith the application site red line boundary, will remain undeveloped with some rewilding proposed enabling it to continue to contribute to climate mitigation and adaptation.

The application site is located in a sustainable location near to public transport links and existing infrastructure. The EV charging station/area will encourage the use of more environmentally friendly vehicles and contribute to EV infrastructure particularly as it is so close to major trunk road network of the M8/M9. Frequent bus services between the City and West Lothian run nearby on the A89. The proposal will be sustainable and be in line with NPF4 policies 1 and 2.

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to flooding. LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

SEPA has advised that it has no objection to the application and commented that, "Based on the topographic information provided, and as the site is outwith the SEPA Flood Map (fluvial) and we hold no records of flooding, we have no objection to the development on flood risk grounds."

Flood Planning has advised that this application can proceed to determination, with no further comments from CEC Flood Prevention. Therefore, there are no flooding issues.

The proposal will be sustainable and addresses the global climate emergency and nature crisis. It will minimise emissions and adapts the site to the current and future impacts of climate change. As such, the proposal complies with NPF4 policies 1, 2, 9 and 22 and with LDP policy Env 21.

#### Natural Environment - Biodiversity and Sustainability

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. NPF4 Policy 6 (Forestry, woodland and trees) intent is to protect and expand forests, woodlands and trees and aims for woodland and trees on development sites to be sustainably managed.

The River Almond corridor is a Site of Importance for Nature Conservation (SINC), a Local Nature Conservation Site (LNCS) and, therefore, LDP policy Env 15 (Sites of Local Importance) applies. NPF4 Policy 4 (Natural Places) also applies as it aims to protect, restore and enhance natural assets making best use of nature-based solutions to ensure that there is no adverse impact on flora, fauna, landscape or geological features or on protected species.

Soft landscaping is proposed throughout the application site, as shown in the indicative masterplan, which will provide opportunity for biodiversity and sustainability enhancements. Protection and rewilding of the River Almond SINC/LNS will also contribute to biodiversity and sustainability.

Existing trees forming an avenue will be retained. This would comply with NPF 4 Policy 3 and NPF4 Policy 4 and LDP Policy Env 12.

To ensure a comprehensive approach to landscaping, including trees, and biodiversity across the application site, it is recommended that conditions are attached to the planning permission should it be granted. A Habitat Management Plan is recommended for the area of site and adjacent SINC/LNCS.

Full details of biodiversity enhancements, tree planting and landscaping will be required for any subsequent AMC application and require to tie in with the overall landscape and biodiversity masterplans for the site, once approved.

Subsequent Reserved Matters (AMC) applications will require to demonstrate compliance with NPF4 policies 3 (d) Biodiversity and 6 (Forestry, woodland and trees) and with LDP policies Env 12 and Env 15.

NPF 4 policy 5 (Soils) intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. The proposal will be on land which has previously been disturbed by development and will minimise soil sealing through use of porous materials and soft landscaping. Therefore, the proposed development will not conflict with NPF 4 policy 5.

### Design Quality and Place

NPF4 policy 14 (Design, quality and place) intent is to encourage, promote and facilitate well designed development that makes successful places by taking a design led approach and applying the Place Principle. It aims to deliver quality places, spaces and environments and places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

LDP policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. LDP policy Des 3 (Development Design - Existing and Proposed Features) requires development to demonstrate existing characteristics and features worthy of retention have been incorporated. LDP policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site, and the materials and detailing.

The River Almond SINC existing feature will be incorporated into the design, as required by LDP policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) and shown in the indicative masterplan. Its existing boundary will remain unaltered.

The condition of the site has not been contributing positively to a sense of place. By bringing the site back into use, it will provide employment opportunities within walking distance of residential areas in the village and near to public transport routes. In terms of character of the wider area, it will add to the employment and industry uses whilst acknowledging and respecting the residential properties concentrated to the west of Newbridge.

Whilst the principle of the development is acceptable, detailed design matters, including numbers/floorspace of commercial units, heights, design and appearance of buildings, layout, surface water drainage, sustainability and waste and recycling arrangements, are not for assessment at this stage.

It is recommended that these design matters are reserved for consideration at the further application submission stage, at which they would be assessed against NPF Policy 14 and the relevant LDP design policies such as Des 1, Des 3, Des 4, Des 5, Des 7, Des 8 and Des 10.

### *Landscaping*

Extending the existing avenue of trees, as shown on the indicative masterplan, is welcomed. It will provide a strong linear feature as well as a softer appearance both on the approach into the site and within it.

Landscaped areas, as shown in the indicative drawings, will be scattered throughout the site and provide a setting for the proposed business and industrial buildings. The proposed landscape buffer zone will also form an acoustic barrier, Landscaping will provide new locations for wildlife and biodiversity within the application site.

The use of a condition requiring a comprehensive landscape masterplan, including the landscape buffer zone, is recommended to ensure that appropriate and effective landscaping will be delivered on the site.

### Amenity

LDP policy Des 5 (Amenity) states permission will be granted for development where demonstrated the amenity of neighbouring developments is not adversely affected.

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.

### *Neighbouring amenity*

Each detailed AMC application will need to provide information on the impact on neighbouring residential properties, such as daylighting and sunlight. Consideration will also need to be given to the potential operational noise impacts the proposals may have on the neighbouring residential amenity.

### *Noise*

A Noise Impact Assessment (NIA) has been submitted and it identifies several noise sources that will require mitigation. The noise sources include fixed plant and machinery inside the buildings, fixed plant on the roof or walls, loading/unloading at docking bays and outside. Environmental Protection has recommended conditions to ensure the requirements and recommendations of the NIA are incorporated in relation to the development being built out.

Environmental Protection has advised that the applicant has demonstrated that noise can be mitigated and that a condition will be required to ensure that bespoke noise mitigation measures are applied to the detailed applications when submitted. These applications will need to be supported with a further specific and detailed NIA. Full details of the acoustic/noise barrier landscape buffer will be required in any subsequent reserved matters/AMC applications.

Therefore, conditions relating to noise mitigation requirements and plant noise are recommended, should planning permission be granted.

### *Air Quality and Energy*

Environmental Protection has recommended a condition be used to require a scheme for meeting the on-site heat and energy demand including provisions for renewables.

The site is located near to the Air Quality Management Area (AQMA) on Glasgow Road. The applicant has provided an air quality impact assessment that has been assessed by Environmental Protection. Traffic will be generated from the proposal, including heavy goods vehicles, which may travel through the AQMA. Regarding Electric vehicle charging points, the applicant has committed to installing a charger at a ratio of 1 in 6 spaces which is the minimum requirement under the Edinburgh Design Standards. Providing Electric Vehicle Charging Points to encourage more electric vehicles will reduce the impact on air quality and contribute to the AQMA.

An informative is recommended in relation to a Construction Environmental Management Plan (CEMP).

### *Future occupiers' amenity*

Details of amenity provision for future occupiers/employees/users will require to be provided and assessed in detailed applications. The indicative drawings show that landscaped areas will provide areas for outdoor seating (staff breakout areas) for workers.

It is acknowledged that there are odours from the neighbouring factory to the south west of the application site and that these may impact on future occupants and employees of the proposed development. Planning policies are not designed to protect the amenity of business users and Environmental Protection has not raised any concerns regarding this matter. Outside amenity space use and duration of its use will be expected to be less than that for residential use and likely to be limited to hours of operation. Industrial use is a less sensitive use when compared to residential use and the proposed use is more compatible with the adjacent use and other industrial uses in the vicinity. For example, it will not result in housing with people living under the flight path. Therefore, the proposed use will not experience the same level of impact on amenity compared to housing.

### *Ground Contamination*

Due to the historic uses on the site in terms of contaminated land, a condition requiring Site Investigation is recommended.

## Transport

NPF 4 policy 13 aims to encourage, promote and facilitate development that prioritise walking, wheeling, cycling and public transport and reduce need to travel unsustainably. LDP Policies Tra 2 - Tra 4 set out the requirements for private car and cycle parking. The Council's Parking standards are set out in the Edinburgh Design Guidance.

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal

Transport Scotland has advised that the Director does not propose to advise against the granting of permission.

The Roads Authority (Transport Planning) has advised that it has no objections to the application subject to appropriate conditions and informatives relating to: - car and cycle parking provision; - 2030 City Plan safeguard WE20 (Segregated public transport route through the site); - active travel footway safeguard; - accesses open to public; - Road Construction Consent; - maintenance responsibility for underground water storage / attenuation; - Quality Audit; - Travel Plan; - new road names; - status of parking spaces adjacent to carriageway; - Disabled Persons Parking Places; - maintenance schedule for the SUDS infrastructure; and - adjacent to a "traffic sensitive street".

Little weight can be given to the public transport safeguard through the site in the Proposed City Plan 2030 and an informative is recommended. The indicative masterplan has shown that the safeguard could be accommodated in the proposed development.

It has also advised that the proposed industrial development is predicted to generate fewer vehicular trips than the consented residential use for the site. The Roads Authority has not raised any road safety matters.

The City of Edinburgh Council is working with West Lothian Council to look at public transport and active travel links in the area along the A8/A89 between Broxburn to Maybury. Known as Broxburn to Maybury Transport Improvements, this is a major transport improvement project which aims to better connect communities with major employment, education, healthcare and leisure opportunities. The project is funded through the Edinburgh and South East Scotland City Region Deal. Public consultation has taken place over the last few months with the findings still to be reported on. The planning application site will be able to accommodate the public transport safeguard in the Proposed City Plan 2030 through the site which would enable the proposed development to contribute to the improvement of connections and public transport in the area and near the A8/A89 corridor.

Environmental Protection has advised that it has no objections to the application subject to conditions relating to electric vehicles charging station. This is to ensure that a scheme for installing Electric Vehicle Charging Points, including rapid chargers, is approved by the planning authority and rapid chargers.

## Waste

NPF 4 policy 12 intent is to encourage, promote and facilitate development that is consistent with the waste hierarchy. It is the responsibility of the developer and operators of the development to ensure that their waste strategy complies with the relevant legislation.

### **Conclusion in relation to the Development Plan**

The proposal does not comply with the existing development plan as the site is identified as a housing site, contrary to allocation HSG4 in the LDP and Policy 26 of NPF4. Whilst the proposed development is contrary to the LDP 2016 and NPF4 Policy 26 (Business and Industry), it meets the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation.

#### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context - prematurity of development and prejudice to the emerging plan

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 (City Plan) and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. Examination of City Plan remains ongoing and at this time little weight can be attached to it as a material consideration in the determination of this application. However, in light of City Plan being at Examination and this site being allocated for housing, as a matter of law prematurity is an issue which requires to be considered in the determination of this application.

Prematurity is simply one relevant material consideration among others and the weight attached to it is a matter of planning judgement that needs to be considered on the individual facts and circumstances of each case. This flexibility is not entirely unfettered and there is a need to adopt a consistent approach when dealing with similar applications and issues.

The key question on prematurity is whether the development proposed is so substantial, or its cumulative effects would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan.

The application site forms part of a site identified in Proposed City Plan 2030 as a housing site (HSG4). It is identified as potentially contributing towards meeting the requirements of City Plan with a notional capacity of 490 units (note: LDP capacity was 500 units).



It is therefore considered that issues concerning prematurity are engaged and reference is made to the three appeal decisions PPA-230-2370 (21/04210/PPP) (West Craigs), PPA-230-2361(21/00217/FUL) (Airport Road) and PPA-230-2333 (20/03219/PPP) (Crosswinds) where various types of development have been considered in relation to prematurity, whether that be specifically referenced or inferred from the nature of the decisions.

While prematurity is engaged, the proposal is not considered to prejudice the plan making process. The Proposed City Plan 2030 identifies the need to for a city housing land requirement for 44,293 housing units (which includes a general allowance of 20%) over a ten year period. The Housing Land Supply is estimated at being 57,428. The application site represents 1.1% of the housing target or 0.85% of housing land supply. This coupled with the fact that the site is an existing site carried forward into the emerging Proposed City Plan 2030 by the fact that it is isolated from the major development area of West Edinburgh, where it is anticipated that 10,500 housing units would suggest that the loss of a site estimated to have a capacity of 490 units is not significant. In the wider context for housing land and housing allocation across the city, this site will only provide a miniscule contribution. FIR 021 notes that in terms of programming, the future of the site is uncertain.

In conclusion, while issues concerning prematurity are engaged in this case, it is not considered having regard to the location of the development and the constraints on the site for residential use that the loss of this site towards an adverse impact on housing would be so significant as to undermine the plan making process. Therefore, it is not considered that the application should be refused on prematurity grounds.

#### Other Material Considerations

Both the most recent agreed housing land audit and the previous housing land audit for the LDP in 2014 identify it as a constrained site. The Proposed City Plan 2030 recognises environmental concerns due to the proximity of the site to industrial uses and impact of aircraft noise and the need must be addressed through a comprehensive master plan. Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits advises that where sites are identified as non-effective, audits should identify the nature of the constraint and actions including a timeline to make the land effective, otherwise where it is not possible to remove development constraints, sites should be removed from the housing land audit of housing land supply. In this case, although the site has been known to be constrained since at least 2014, over the past seven years, it has not been possible to remove the development constraints.

In this case there are three major constraints:

- part of the site is undevelopable as it forms part of the airport safety zone and cannot be developed;
- the site is constrained by lying under the flight path from Edinburgh Airport and the associated noise this generates associated with take-offs and landings; and
- the site is in close proximity to plastics manufacturing facility where there is issues with odours which cannot be mitigated against by actions on the application site.

The first two constraints cannot be removed as to achieve this would require moving the location of the airport or changing the take-off and landing zones. The costs of such changes would far outweigh any benefits to making the site effective for housing development. The third constraint relates to odours from the adjacent plastics factory. This would involve mitigation measures being carried out by a third party over which the applicant has no control. Despite the existence of an extant planning permission with details of odour mitigation measures, it is considered unlikely that there is a reasonable prospect of this matter being resolved during the plan period.

While a certain degree of noise can be mitigated against in terms of acoustic glazing, Environmental Protection advised for 07/04646/OUT that residential properties on the site would suffer poor amenity due to aircraft noise. A portion of the site was identified in the odour assessment for 07/04646/OUT as not being suitable for residential development and the odour assessment report provided for 19/01848/AMC identified mitigation measures recommending that two 18m stacks be installed at the factory. However, this relies on a third party implementing the mitigation.

The amenity of the site is severely compromised, and this is reflected in the fact that the site has not been taken forward by any housing developers despite the existence of the extant planning permission.

In conclusion, the site is constrained and not effective. The constraints are unlikely to be overcome within the timeframe identified in the Council's response to the Reporter for the Examination of the Proposed City Plan 2030 for delivery of housing. In addition, no housebuilders have shown an interest or committed to developing the site and, therefore, there is no timeframe for the delivery of housing on the site. In such circumstances, development of the site for industrial purposes is considered to be an appropriate proposal and outweigh the position set out in the extant development plan and the emerging Proposed City Plan 2030.

### *Industrial Unit Demand*

Rydens, acting on behalf of the applicant, has advised that there has been, at a macro level, significant structural changes for industrial property in the UK over the last 30 to 40 years. Examples include a reduction in manufacturing and growth in warehousing demand due to growth in online retailing. In the Edinburgh context, it advises that, industrial land has changed and lost to housing and office use. This has meant that many of the displaced industrial occupiers have struggled to find suitable alternative properties within the Edinburgh area and as a result have looked outwith the city boundary to secure premises. In recent years, there has been very limited new industrial development due to shortage of available space and strong demand. The major increase in online retailing and business supply chain needs to be served by a last mile delivery network that is in close proximity to the population. This requires good stock of well located industrial space and Edinburgh is struggling to meet this demand. Newbridge represents an excellent opportunity in this respect. The proposed development has the potential to create significant jobs and investment for the local economy.

The Council's Commercial & Investment Team in Economic Development has advised that there is a major undersupply of industrial space in Edinburgh and that the proposal will deliver new units in a range of sizes in close proximity to the national trunk road network.

## 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

A summary of the representations is provided below:

### *material considerations*

- increased traffic; type of traffic; nature of vehicle movements; Transport Assessment. Addressed in section a).
- traffic pollution and emissions. Addressed in section a).
- wildlife impact and destruction of wildlife habitats. Addressed in section a).
- odours (from neighbouring factory) impact on future occupiers amenity. Addressed in section a).
- existing emissions from neighbouring factory. Addressed in section a).
- emissions from proposed development. Addressed in section a).
- road safety. Addressed in Section a).
- public transport. Addressed in section a).

### *non-material considerations*

- impact on services and utilities to neighbouring properties.
- Construction Environment Management Plan. *Included in Informatives.*
- road safety. *This is the responsibility of the Roads Authority.*
- existing traffic congestion.

## **Conclusion in relation to identified material considerations.**

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

## **Overall conclusion**

The proposal is contrary to the development plan in relations to its allocation for housing under the Edinburgh Local Development Pan (LDP) 2016 and Policy 26 of NPF4 as the site is not allocated for business and industry. Whilst the proposed development is contrary to the LDP and NPF4 Policy 26 (Business and Industry), it meets the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation. Issues concerning prematurity are engaged but the development proposal is not so substantial, nor its cumulative effects so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the Proposed City Plan 2030.

There are special circumstances which justify granting permission for the development which is contrary to the development plan. Delivering housing on the site has not been achieved during the LDP period and based on the evidence submitted with the application it is considered that there are severe constraints on delivery and that there is no likelihood of housing being delivered on the site within the Proposed City Plan 2030 lifespan. The proposal will contribute to the local, regional and national economy by reusing a former vacant industrial site. It is sustainably located in terms of transport links and will re-use brownfield land, enhance biodiversity and mitigate for the climate and nature crises. The limited transport and archaeology issues can be appropriately addressed by condition. There are no flooding issues. In this context, the proposal is acceptable and it is recommended that the application be granted subject to conditions. There are no other material considerations that 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. 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 structures, including detailed street elevations.

Approval of Matters:

  - a) Height, massing and siting of all buildings;
  - b) A detailed specification of all proposed materials, including hard landscaping;
  - c) Design and external appearance of all buildings, roof form, open space, public realm and other structures;
  - d) Existing and finished site and floor levels in relation to Ordnance Datum;

- e) Roads, footways, cycleways, servicing and layout of car parking, cycle parking provision and other parking meeting Edinburgh Street Design Guidance;
  - f) Access point or points;
  - g) Waste management and recycling facilities;
  - h) Daylight, privacy and overshadowing information to assess the impacts on neighbouring amenity;
  - i) Surface water management, drainage arrangements, SUDS proposals and SUDS maintenance plan. Including a drainage layout drawing and post-development overland flow path drawing;
  - i) Landscaping:
    - (i) Detailed soft and hard landscaping plan and levels;
    - (ii) A schedule of all plants and trees to comprise species, plant size and proposed number and density;
    - (iii) Inclusion of hard and soft landscaping details including tree removal;
    - (iv) Landscape management plan including schedule for implementation and maintenance of planting scheme;
    - (v) Any boundary treatments, including noise barriers;
    - (vi) Biodiversity - details of enhancements and improvements such as inclusion of hedges and raingardens.
4. i) Prior to the commencement of construction works on site:
- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
  - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
5. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, community 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.

6. The development shall be built in accordance with the requirements and recommendations of the noise impact assessment (Noise Impact Assessment AS 0974 Newbridge; Airshed, 13 March 2023).

7. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Planning Authority.
8. Development shall not commence until a scheme for protecting the occupiers of the residential units located at Riverside streets has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied and evidenced to and approved in writing by the Planning Authority.
9. Development shall not commence until a scheme for installing Electric Vehicle Charging Points including provisions for rapid chargers have been submitted to and approved in writing by Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied and evidenced to and approved in writing by the Planning Authority.
10. Development shall not commence until a scheme for meeting the onsite heat and energy demand including provisions for renewables have been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied and evidenced to and approved in writing by the Planning Authority.
11. No structure may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that: (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.
12. Notwithstanding the description of the proposed development of the planning application form, the proposed sui generis use is not consented.
13. Prior to the commencement of development, a masterplan showing detailed biodiversity enhancements for the entire site to be submitted to and approved in writing by the Planning Authority.
14. Prior to the commencement of development, a comprehensive landscaping masterplan for the application site be submitted to and approved by the Planning Authority in writing. It shall include biodiversity and wildlife habitats enhancements and the landscape buffer (and acoustic barrier).
15. Development shall not begin until a construction management strategy has been submitted to and approved in writing by the Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- details of the area(s) subject to construction activity and the storage of materials and equipment
- details of cranes and other tall construction equipment (including the details of obstacle lighting) -
- Such schemes shall comply with Advice Note 4 'Cranes' (available at <http://www.aoa.org.uk/policycampaigns/operations-safety/>).
- details of temporary lighting - Such details shall comply with Advice Note 2 'Lighting' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
- control and disposal of putrescible waste to prevent attraction of birds- site restoration.

The approved strategy (or any variation approved in writing by the Planning Authority) shall be implemented for the duration of the construction period.

16. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 "Wildlife Hazards";
- monitoring of any standing water within the site temporary or permanent;
- physical arrangements for the collecting (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
- Signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

17. Before development commences details of the permanent lighting scheme(s) for the development shall be submitted to the Planning Authority for their written approval. Lighting schemes should be of a flat glass, full cut off design, mounted horizontally, and shall ensure there is no light spill above the horizontal. The approved lighting scheme is to be implemented upon completion of the development, no subsequent alterations shall take place unless first submitted to and approved in writing by the Planning Authority.

18. No development shall take place until full details of the solar PV scheme including a Glint & Glare Assessment have been submitted to and approved in writing by the Local Planning Authority. This must be conducted by a competent body. No subsequent alterations to the approved schemes are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

19. No structure may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that:

- (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or
- (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator and

- (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and
- (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.
20. A Habitat Management Plan for the area of site and adjacent Local Nature Conservation Site shall be produced taking on board the recommendations and details included within the Ecology Survey Report (Version 2 dated 20 March 2023).
21. The maximum amount of retail use shall not exceed seven units or ten percent of the total floor area accommodation (i.e. 10% of 64,837sqm) whichever is the greater.
22. No food or convenience retail use shall be accommodated in the units.

**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 enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. In order to safeguard the interests of archaeological heritage.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to enable the planning authority to consider this/these matter/s in detail.
10. In order to enable the Planning Authority to consider sustainability further.
11. In order to protected airport safeguarding.
12. To enable the planning authority to consider further any proposed sui generis use on the application site from any subsequent planning application.
13. In order to ensure a comprehensive site-wide biodiversity enhancements are delivered on site.



14. To ensure landscaping across the site is appropriate.
15. To ensure that construction work and construction equipment on the site and any adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Edinburgh Airport and endanger aircraft movements and the safe operation of the aerodrome.
16. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
17. It is necessary to control the permanent lighting arrangements on this development to avoid confusion with aeronautical ground lights which could endanger the safe movement of aircraft and the operation of Edinburgh Airport. For further information please refer to Advice Note 2 "Lighting" (available at <http://www.aoa.org.uk/policycampaigns/operations-safety/>)
18. To ensure the development does not endanger the safe movement of aircraft or the operation of Edinburgh Airport through interference with communication, navigational aids and surveillance equipment and glare issues.
19. In the interests of aviation safety.
20. To ensure natural habitat is enhanced and not harmed.
21. In order to retain business and industry use and space.
22. In order to preserve and retain business and industrial use and floor space on the site.

## **Informatives**

It should be noted that:

1. A minimum of 3m wide footway should be safeguarded on the east side of River Almond adjacent the site for active travel connection to the existing active travel route on A89 Edinburgh Road and future linkages to the south.
2. No trees, bushes or shrubs to be removed during bird nesting season and works to be stopped if a nest is found.
3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.

Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.

4. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
5. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
6. The applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
7. The applicant should note that new road names may be required for the development, and this should be discussed with the Council's Street naming and Numbering Team at an early opportunity.
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. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
11. The applicant should note that the proposed development lies on or adjacent to a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/2>
12. The proposed public transport route WE20 is required be built to adoptable standards and will be subject to waiting and loading restrictions to ensure that the route serves its intended purpose and not compromised by internal operations of the industrial area.

13. The applicant will need to produce a Construction Environmental Management Plan (CEMP) to ensure that neighbouring amenity is not adversely affected during the construction phase.
14. 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.
15. 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.
16. 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.
17. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
18. Note the requirement for trade waste producers to comply with legislation, Waste (Scotland) Regulations require the segregation of defined waste types to allow for recycling. This would require separate storage space (off street) for the segregation of the different waste streams arising from their commercial activities.
19. European protected species (EPS) have full protection under The Conservation of Habitats and Species Regulations 2017. It's an offence to deliberately capture, injure or kill, or deliberately disturb EPS. Should EPS be found before or during construction works, NatureScot must be informed as an European Protected Species licence may be required.
20. The applicant will be required to ensure that the proposed development does not prejudice the implementation of the Council's Proposed City Plan 2030 safeguard WE20 (Segregated public transport route through the site).

### **Background Reading/External References**

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 18 April 2023**

## **Drawing Numbers/Scheme**

01.

Scheme 1

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

Contact: Jackie McInnes, Planning officer  
E-mail: [jackie.mcinnnes@edinburgh.gov.uk](mailto:jackie.mcinnnes@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Aerodrome Safeguarding (Edinburgh Airport)

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions:

Construction Management Strategy

Bird Hazard Management Plan

Scheme for the Permanent Lighting of the Development

Submission of Details for PV Schemes

Instrument Flight Procedure (IFP) Assessment

DATE: 11 May 2023

NAME: Network Rail

COMMENT: After examining the proposal Network Rail considers that it will have no impact on railway infrastructure and therefore has neither any objections to this application nor any comments to make.

DATE: 16 May 2023

NAME: SEPA

COMMENT: We have no objection to this application.

The banks of the River Almond are shown to be in the region of 37.0 mAOD whereas the ground levels within the red line boundary are above 45mAOD demonstrating the site is elevated above the river by approximately 8m and not likely to be at risk of fluvial flooding. Based on the topographic information provided, and as the site is outwith the SEPA Flood Map (fluvial) and we hold no records of flooding, we have no objection to the development on flood risk grounds.

DATE: 10 May 2023

NAME: Scottish Water

COMMENT: Scottish Water has no objection to this planning application.

DATE: 11 May 2023

NAME: Economic Development

COMMENT: The site does not currently support any significant economic activity. It is estimated that the proposed redevelopment could support 1,801 FTE jobs and £96.245 million of GVA per annum (2020 prices) if fully occupied.

The development will address the major undersupply of industrial space in Edinburgh, delivering new units of a range of sizes in close proximity to the national trunk road network.

DATE: 26 April 2023

NAME: Environmental Protection

COMMENT: Environmental Protection offers no objection to the application subject to conditions and informatives relating to:

1. Requirements and recommendations of the noise impact assessment.

2. Noise from all plant complying with NR25.
3. A scheme for protecting the occupiers of the residential units located at Riverside streets.
4. A scheme for installing Electric Vehicle Charging Points.
5. A scheme for meeting the onsite heat and energy demand including provisions for renewables.
6. Site Survey investigations and, where necessary, remedial measures.

Construction and Environmental Management Plan  
Good duct practice - design and implementation  
DATE: 4 August 2023

NAME: Transport Scotland  
COMMENT: The Director does not propose to advise against the granting of permission.  
DATE: 18 July 2023

NAME: Transport Planning (Roads Authority)  
COMMENT: No objections subject to appropriate conditions and informatives relating to:

- car and cycle parking provision
- 2030 City Plan safeguard WE20 - Segregated public transport route through the site
- active travel footway safeguard
- accesses open to public
- Road Construction Consent
- maintenance responsibility for underground water storage / attenuation
- Quality Audit
- Travel Plan
- new road names
- status of parking spaces adjacent to carriageway
- Disabled Persons Parking Places
- maintenance schedule for the SUDS infrastructure
- adjacent to a "traffic sensitive street"

Note:-

a) The proposed industrial development is predicted to generate fewer vehicular trips than the consented residential use for the site.

DATE: 7 November 2023

NAME: Archaeologist

COMMENT: Archaeological field work since 2001 has demonstrated that Newbridge has been extensively occupied since the Neolithic Period, with evidence also of possible earlier Mesolithic occupation dating back over 6000 years.

Newbridge is centred upon a nationally important ritual complex off Huly Hill, located immediately to the east of the main entrance, comprising the remains of a Neolithic Stone Circle (with possible outlying stone alignments) with a central Bronze Age Burial Cairn.

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.

Condition recommended:-

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, community 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.

DATE: 10 May 2023

DATE: 10 May 2023

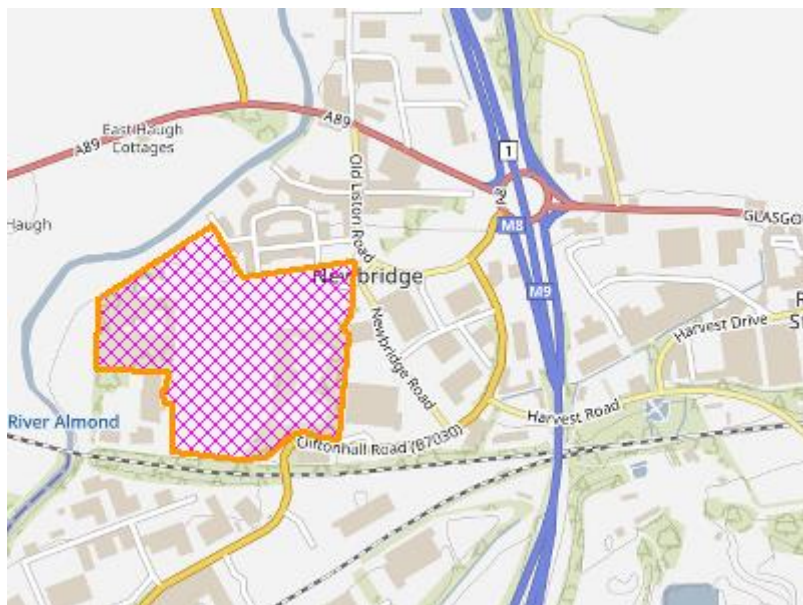
NAME: Flood Planning

COMMENT: This application (23/01423/PPP) can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 7 November 2023

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

## Location Plan



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