

# Development Management Sub Committee

**Wednesday 17 April 2013**

**Application for Planning Permission 12/03574/FUL  
At Land 137 Metres South Of 52, Albion Road, Edinburgh  
Residential development of colony housing and flats  
including roads, landscaping and pedestrian connections  
(as amended)**

<b>Item number</b>	8.1
<b>Report number</b>	
<b>Wards</b>	A14 - Craigentinny/Duddingston

## Links

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

LPC, CITD1, CITD3, CITD4, CITD5, CITD6, CITD10, CITH1, CITH2, CITH3, CITH4, CITH7, CITT2, CITT4, CITT5, CITT6, CITT13, NSG, NSDCAH, NSESBA, NSESBB, NSKEYV, NSDOP, NSGD01, NSESFH, NSP, NSHIGH, NSMDV,

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# Executive summary

## **Application for Planning Permission 12/03574/FUL At Land 137 Metres South Of 52, Albion Road, Edinburgh Residential development of colony housing and flats including roads, landscaping and pedestrian connections (as amended)**

### Summary

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The proposal complies with the development plan and is largely in accordance with the non statutory guidance. The proposal introduces flatted blocks which are higher than the nearest flatted buildings but are appropriate in the context of the wider development of the area. The buildings will not adversely affect key views. The proposed mix of unit types and sizes will meet a range of housing needs. The site will increase connectivity to the adjacent residential areas and will provide access to nearby shops and public transport routes which are not currently easily accessible. The proposed drainage method will create a burden on future occupiers of the development in terms of the ongoing maintenance; however, there is no alternative which would not affect the viability of the proposal. The proposed drainage method will be effective and risks can be mitigated by implementing a robust maintenance scheme. Subject to a legal agreement and conditions the proposal is acceptable and there are no other material considerations which outweigh this conclusion.

### Recommendations

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It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

### Financial impact

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Subject to a legal agreement.

### Equalities impact

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This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

### Sustainability impact

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This application meets the requirements of the Edinburgh Standards for Sustainable Building.

## Consultation and engagement

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### Pre-Application Process

Pre-application discussions took place on the proposals.

In accordance with the Planning etc (Scotland) Act 2006, a Proposal of Application Notice was submitted and registered on 27 June 2012 (12/02276/PAN).

A consultation event was held at McDonald Road Library on 15 August 2012 between 3pm and 8pm and at the Restalrig/Lochend Community Hub on 16 August 2012 between 3pm and 7pm.

Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online service.

A pre-application report on the proposals was presented to the Committee on 01 August 2012.

The proposals were submitted to the Urban Design Panel on 27 June 2012. Full details of the response can be found in the Consultations section.

### Publicity summary of representations and Community Council comments

The proposal attracted eight letters of representation, six of which raising objections to the proposal including one from the Cockburn Association.

The following matters were raised:

- Design and layout
- Density
- Building Heights
- Privacy
- Open space provision
- Access
- Parking
- Movement around the site
- Provision of swift nesting sites
- Key views
- Tree loss

One letter of support was received.

Full details can be found in Appendix 1.

A full assessment of the representations can be found in the main report in the Assessment section.

## Background reading / external references

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- [To view details of the application go to](#)
- [Planning and Building Standards online services](#)



## **Application for Planning Permission 12/03574/FUL At Land 137 Metres South Of 52, Albion Road, Edinburgh Residential development of colony housing and flats including roads, landscaping and pedestrian connections (as amended)**

### **1. Background**

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#### **1.1 Site description**

The site is triangular in shape and extends to approximately 2.5 ha. Existing and former railway uses are located on three sides of the site to the north, south west and south east. Crawford Bridge, an existing bridge which provides a pedestrian connection between Albion Road and Easter Road via Bothwell Street, is located to the north west of the site. This bridge is not currently accessible directly from the site. The site levels are approximately 5m lower than the bridge in this corner of the site. The land is currently vacant. There are existing residential areas to the north, north west and south west and there is an existing retail park adjacent to London Road to the south containing a range of shopping facilities including a supermarket.

The existing freight railway corridor which lies in a cutting to the north of the site is currently in limited use in connection with the Powderhall waste transfer facility. There is a variety of recently completed flatted housing developments of up to eight storeys on land to the north and north east. Part of that development relates to the wider Lochend Butterfly housing development of which this site forms part. The northern Lochend Butterfly site wraps around Lochend Park which is situated to the north east.

The site is accessed via an existing road bridge over the freight railway which connects the site to Hawkhill Avenue and Albion Road to the north and north west. This road was approved as part of the master plan for the area to ensure connections were in place for this south section of the master plan. These roads provide access to Easter Road and to the wider road network.

#### **1.2 Site History**

07 May 2008 - Application submitted for 214 units (08/01641/FUL). This application is minded to grant subject to the conclusion of a legal agreement which is yet to be concluded.

24 November 2004 - planning permission granted for 199 residential units (03/02271/FUL). This consent is extant insofar as the road bridge to the north of the site has been constructed. This consented scheme could therefore be fully implemented without any further application.

The site relates to the wider Lochend Butterfly housing site to the north. A parallel application was submitted for housing development within the northern site and both applications were considered in tandem.

24 November 2004 - planning permission granted for 356 residential units (03/02270/FUL). (North application site).

A concluded legal agreement for the wider development site including the application site identifies that affordable housing is to be delivered in the northern part of the housing development, thereby removing this as a requirement for the southern site. The affordable housing provision in the form of 126 affordable units is currently being built following detailed consent for that part of the development granted on 27 October 2011 (reference 11/01708/FUL). The legal agreement makes provision for education and transport improvements contributions including securing money for the delivery of a future pedestrian connection to be formed with Moray Park Terrace to the south east.

## **2. Main report**

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### **2.1 Description Of The Proposal**

The proposal is for a residential development of 205 units. This includes 81 units within three blocks of flats varying from six to nine storeys located within the three corners of the site. The remainder of the units are a mixture of lower density flatted blocks of up to four storeys and colony housing units which vary in height between two and four storeys. There are 12 two bedroom houses, 25 three bedroom houses and 11 four bedroom houses. Overall there will be 42 one bedroomed units, 100 two bedroomed units, 49 three bedroom units and 11 four bedroomed units. It has not been confirmed how many bedrooms will be provided within three of the units which have a mezzanine floor (Block 16).

The colony housing is accessed directly from the main route through the site located predominantly perpendicular to this route. These properties have a mix of terraced areas and private gardens arranged around spatially restricted streets and courtyards.

The proposed materials comprise purple/brown brick, render and metal cladding with dark grey PVC-u (recycled plastic) and buff brick predominantly in respect of the higher flatted blocks. The majority of the colony style housing will comprise buff facing brick though some units will incorporate purple brick detailing. The colony housing will be a mixture of flat roofed and pitched roof design. The pitched roofs will be dark grey concrete tiles.

Vehicular access to the site will be via the existing bridge over the operational railway line to the north east of the site. Pedestrian access will be provided from the site directly onto Crawford Bridge and cycle/pedestrian accesses are proposed towards Moray Park Terrace via an at-grade crossing towards the south east and towards the west of the site to connect with a potential cycleway along a disused railway line. One hundred and thirty seven car parking spaces will be provided for 206 units. The parking will be located underneath the higher flatted blocks, on street and privately within the colony housing. Secure cycle parking will be provided within the higher flatted blocks.

Communal open space will be provided throughout the site, with dedicated play areas, plaza areas and private gardens located to the rear of the colony properties.

Internal refuse stores will be provided within the taller flatted blocks and communal recycling areas will be located throughout the development.

The applicant has submitted a design and access statement, a landscape and public realm design statement, a sustainability appraisal, a transport statement, and air quality impact report, an ecological assessment and a drainage report. These documents can be viewed on the Planning and Building Standards Online Service.

### *Scheme 1*

In the original proposal the Crawford Bridge flats (Block 16) were six storeys in height. This has been reduced to five storeys in response to concerns raised regarding the impact on the streetscape. This has resulted in the loss of three residential units.

The proposed footbridge to connect the site to Moray Park Terrace has been removed and replaced with an at-grade crossing in response to equality concerns.

The paving materials have been altered to reflect a simpler palette. There have been minor alterations to the allocation of open space.

## **2.2 Determining Issues**

Do the proposals comply with the development plan?

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

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

## **2.3 Assessment**

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

- a) the principle of residential development is acceptable on this site;
- b) the design, scale and layout is appropriate to the site;
- c) the housing mix is appropriate and an adequate level of affordable housing has been provided;
- d) adequate open space has been provided within the scheme and there is an acceptable level of amenity;
- e) there are any transport, access or parking issues;
- f) the site will have an adequate sustainable urban drainage system;
- g) the proposal meets sustainability criteria;
- h) any impacts on equalities or human rights are acceptable; and
- i) comments raised have been addressed.

## **(a) Principle of Development**

The site is allocated for housing development within the Edinburgh City Local Plan. There is an extant permission for a housing development on this site. The principle of housing development is acceptable at this location.

## **(b) Design, Scale and Layout**

The application site is triangular in shape and is located adjacent to existing tenement properties and modern flatted dwellings, some of which are still under construction. The area is predominantly residential in character with the exception of Meadowbank Retail Park which is located to the south east of the site.

Local Plan Design policies, Des 1 and Des 3, set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The design strategy incorporates the provision of three taller flatted blocks ranging from six to nine storeys marking the corners of the development with lower rise housing ranging from two to three storeys between. The site layout incorporates a central access road with informal streets linking to the open spaces which creates an integrated neighbourhood.

The three higher flatted blocks help to enclose the development. The blocks do not have an adverse impact on the identified key view in terms of the methodology for protecting landmark features as they sit below the sky space of these features. The draft design guidance seeks buildings that match the heights of buildings in the area, and where they are higher they should enhance the surrounding townscape/skyline. The flatted blocks provide focal points for the development both from a distance and from within the application site. The buildings currently under construction to the north of the application site range from six to eight storeys and the proposed flatted buildings within the development are broadly in line with this massing and scale.

The Crawford Bridge flatted block (Block 16) has been reduced in height from six to five storeys above bridge level in response to concerns raised regarding the height in relation to the neighbouring tenement buildings. This block is still higher than the adjacent tenements. This contrasts with the existing tenements. It does not have an adverse impact on the cityscape or key views. This block fits neatly into this North West corner of the site and will provide direct access on to Crawford Bridge. Terraced areas are proposed on the East elevation to maximise views across the site and on the corner of the block facing onto Crawford Bridge which adds interest to these elevations.

The south block of flats (Block 17) is nine storeys in height and has been designed to provide views towards Calton Hill and to the south towards Arthur's Seat and the Craggs with a wall of glass proposed to maximise these views.

The triangular flatted block located at the entrance to the site (Block 18) is shaped to fit within this corner position. This block is of a modern contemporary design with large terraced areas provided to maximise the residential space of the triangular shaped building.

The lower level housing colony style housing comprising a mix of flatted properties and houses are interspersed throughout the site mainly located perpendicular to the main route through the site.

The three higher blocks located in the three corners of the site are marker buildings which contrast with the site. These are buildings of contemporary design which add interest and help navigation through the site. They do not have an adverse impact on key views. The main route through the site from the entrance to the Crawford Bridge flats in the North West links smaller streets which generally lie perpendicular to this main route. The smaller streets contain the two, three and four storey mix of flats and houses. The use of a shared surface and the lack of a through route through the smaller streets creates quieter more personal and social spaces akin to the traditional colonies in Edinburgh. The properties located at the ends of the smaller streets adjacent to the main route through the site have gable windows which represents a positive element of design and is a continuation of the theme to create a neighbourhood feel providing opportunities for interaction and surveillance for community safety.

The provision of open spaces throughout the site connected to the shared surfaces with quiet streets provides a safer environment for children play and encourages social interaction. There are opportunities for connections to neighbouring housing developments and further afield to the commercial uses on Easter Road and London Road via the at grade crossing to be provided connecting to the rear of the Meadowbank Retail Park. The Crawford Bridge will provide a pedestrian connection to the north west of the site and cycle paths are proposed to the south/south west of the site.

There is a broad range of materials and elevational styles within the surrounding area and the proposed materials and design of the flats and housing are contemporary. Subject to conditions to ensure the quality of the materials are acceptable the materials are considered suitable for this site. The Edinburgh Urban Design Panel supported the simple pallet of materials and particularly the use of brick.

In conclusion the design, scale and layout of this proposed development is acceptable.

### **(c) Housing Mix and Affordable Housing**

The proposal provides a mix of house types and sizes including family housing which will help to create a mixed and inclusive community to meet the needs of a range of population groups.

This site forms part of the wider Lochend Butterfly master plan area which allocated dedicated plots for affordable housing. The affordable housing for the master plan is allocated to a different site, which is already under construction. As the affordable housing is being delivered first, it has meant that this remaining plot is for market housing only, and there is no affordable housing policy requirement. The required level of affordable housing has already been satisfied on an adjacent plot.

## **(d) Amenity and Open Space**

A Landscape and Public Realm Design Statement has been submitted and is available to view on Planning and Building Standards online services. This statement provides information in relation to the open space layout, play areas, planting and boundary treatments.

Local Plan Policy Hou 3 sets out that in flatted or mixed housing developments where communal provisions is necessary 10sqm of garden space is required per flat except for those with private gardens. A minimum of 20% of the total site area should be green space.

A number of the flats within the high level blocks benefit from balconies/terraces. The Edinburgh Standards for Housing states that most balconies will be considered private open space where these measure 1.5m deep and are 5m<sup>2</sup> in area. The draft Edinburgh Design Guidance, recognising that on small flats this area could be considered disproportionately large, seeks for balconies to measure 5% of the net floor area of the dwelling and benefit from adequate sunlight or an outstanding view. In this case, these balconies meet this requirement. There is a communal area of green space provided adjacent to the Crawford Bridge flats and there is a substantial area of green space provided in close proximity to this block.

All the colony housing has an element of private garden and/or a terraced area. A range of small walls, fences and hedges is proposed to delineate between the private terraces and gardens.

Approximately 36% of the site is covered by amenity space. The proposal accords with policy ECLP policy Hou 3.

In addition dedicated areas for local play will be provided throughout the site.

A concern has been raised regarding the loss of trees on the site. Though there will be a loss of existing self-seeded trees, which are not protected, the proposal incorporates extensive landscaping proposals. The proposed planting species and maintenance regime proposed are acceptable, subject to a condition in relation to maintenance to enable planting to be established and replaced should it fail.

### Privacy, daylight and overshadowing

Window to window distances within the application site are generally 18m apart with some windows being staggered for increased privacy where the 18m is not possible. A small number of windows are approximately 10m apart but these are limited to kitchen areas and landscaping will, once established, provide additional screening. Brick walls and fencing varying in height from 500mm to 1.8m are proposed to the rear of the terraces to provide privacy to the garden areas.

A concern has been raised by an adjacent property regarding privacy from the windows of the Crawford Bridge flats. The nearest windows will be approximately 20m from this property which in excess of the Council's guidance of 18m.

In relation to daylight, the impact upon the existing tenement at Albion Terrace near Crawford Bridge is acceptable. This is because the affected windows are gable windows. The Council does not protect daylight to gable windows. In relation to the

tenement on Bothwell Street, the Vertical Sky Component (VSC) of affected windows has been assessed. The VSC is the measure of daylight reaching an external wall or window and is measured as a percentage. The Council normally seeks a VSC of 27%. Calculations for the scheme 1 proposal were submitted. These show VSCs of 26%, 26.25% and 29.75% on the elevation of the tenement. Scheme 2 is a storey lower than scheme 1 and so will allow improved levels of daylight in comparison with these figures. The level of daylight reaching these windows is acceptable.

There will be a degree of overshadowing to land outwith the application site but not of a level which would be considered detrimental to the amenity of the adjacent occupiers.

The proposal is acceptable in terms of privacy, daylight and overshadowing.

### Noise

Environmental Assessment has raised concerns regarding noise from the adjacent commercial uses at Meadowbank Retail Park, Norton Park and Bothwell Street and the operational railway line to the north of the site. A noise assessment was submitted with the application which is available to view on Planning and Building Standards online services.

The report confirmed the commercial operations at Norton Park would not likely cause disturbance and the Bothwell Street commercial area has closed. Planning Permission has been granted for housing development on this site (12/01212/FUL). In addition it would be unlikely that noise would be an issue from the site if used for commercial purposes in the future.

The noise levels from Meadowbank Retail Park were found to be significant and that delivery and plant noise were both likely to be at levels which could cause disturbance to future residents of the proposed site should the windows be open. The noise impact assessment recommends mitigation measures in the form of mechanical ventilation with heat recovery facility (MVHR) which would require the windows to be kept closed to ensure that an acceptable internal noise level is achieved within the residential properties. The MVHR system proposed will meet Building Regulations and has been confirmed as meeting the sustainability standards required by the Council. A condition will ensure that the proposed MVHR system is fitted to all properties potentially affected by retail park noise.

The rail line to the north of the site is utilised by the refuse train attending Powderhall waste transfer station. The noise impact assessment advises that the noise levels are well within the limits required and no mitigation measures are required.

The noise impact assessment confirms that predicted noise levels from the south suburban line should it be reopened will be within required limits and no additional mitigation is required.

A potential commercial use is proposed at ground floor level of the triangular block of flats (Block 18) at the entrance to the site. As no details have been provided in relation to this use a condition will be applied to ensure the use is restricted to Class 1 (retail), Class 2 (Professional Services) or Class 4 (Offices) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 to protect the amenity of future residents.

## **(e) Transport and Parking**

It was originally proposed to erect a bridge over the currently non operational south suburban railway line to link the development to Moray Park Terrace/Meadowbank Retail Park and London Road to provide access to retail uses and public transport to increase the connectivity of the site. The bridge was suggested as a means to cross land owned by Network Rail. Concerns were raised regarding equalities as the bridge could not provide ramped access due to space constraints thereby excluding certain groups with protected characteristics from the opportunities afforded to others to reach the shops and public transport. Following discussions with Network Rail an amended scheme has been submitted providing an at grade (level) crossing. In order for this crossing to be realised further negotiations will be required between the developer, Network Rail and the Council. The previously concluded legal agreement which relates to the wider butterfly master plan area makes provisions for the at grade crossings. This agreement also required a legal contribution to be made for the provision of a footbridge in the event of the line being reopened.

Direct access to Crawford Bridge is proposed from the site and has been incorporated into the design of the Crawford Bridge flats. This will improve the connectivity of the site to the wider area, particularly the shops and public transport on Easter Road. Concerns have been raised regarding the structural stability of the bridge. Crawford Bridge is owned by the City of Edinburgh Council and further discussions will be required with Bridges and Structures to coordinate the provision of this link and ongoing maintenance. The Police Liaison officer has not raised an objection to the provision of this access but has advised there should be a restriction in access to residents only to reduce anti social behaviour. This cannot be controlled by the Council as Planning Authority though an informative is recommended for the applicant to consider this further.

Concerns were raised by Spokes regarding the provision of cycle access. Cycle access will not be possible at Crawford Bridge but the plans have been amended to make future provision for cycle access to the proposed cycleway along the disused railway line to the west of the site. Once realised, access will be possible through the application site to connect to the recently approved development at Bothwell Street. The plans have also been amended to provide at grade crossing to Moray Park and cycle access will now be possible.

The proposal includes 137 car parking spaces located on street, underneath the flatted blocks and adjacent to the terraced properties. Although the parking does not meet the Council's parking standards, the proposal is acceptable as the site has good access to public transport via the at-grade crossing to Moray Park and the bridge and cycle accesses towards Easter Road and six city car club spaces are proposed. The reduced parking also supports the Council's policies on townscape, open space and air quality. Overspill parking into neighbouring areas is unlikely due to the location of the site. Transport has not objected to the proposal. The city car club contribution and a Traffic Regulation Order will need to be secured through a legal agreement.

Cycle parking is provided located securely within the larger flatted blocks. It is proposed to provide half height bicycle/garden storage sheds within the curtilage of the majority of colony style units.

An air quality impact assessment has been provided in support of the application which advises that the overall increase in air pollution as a consequence of the increase in

road traffic generated by the development is likely to be insignificant. Based on the assessment carried out, Environmental Assessment agree with the findings. The applicant is still encouraged to provide electric charging points and an appropriate informative is recommended.

The proposed car and cycle parking are deemed acceptable subject to a suitable legal agreement and a condition to ensure that the proposed cycle parking is provided.

#### **(f) Drainage**

A drainage report has been provided indicating that the site can be adequately drained. The method of drainage proposed is a surface water pump station. This method is proposed rather than the standard gravitational methods due to the associated costs involved to build up site levels to allow a gravity drainage solution. SEPA and Scottish Water have no objection to the proposal. Scottish Water has confirmed that they will not adopt the drainage infrastructure. Flooding Prevention has recommended refusal unless a gravitational method of drainage can be adopted primarily regarding the liability that may arise should the system fail. The applicant has provided further information indicating how they intend to maintain the system and measures they will put in place to reduce the risk of system failure, namely installing a two pump system whereby one pump will be available should the other fail and a maintenance agreement will be established with a pump manufacturer/installer. It is proposed to arrange a maintenance agreement for the pump station through a factoring agent, the costs of which will be passed to future purchasers. Scottish Water has confirmed that there is no reason why the proposed drainage system should not work if installed and maintained competently.

In accordance with Scottish Planning Policy (SPP) planning authorities must take the probability of flooding from all sources and the risks into account when determining planning applications. Whilst there are risks in using the proposed system these risks can be mitigated by ongoing maintenance. The responsibility of the Planning Authority is to have regard to the risk of flooding but this does not affect the liability position of applicants and occupiers who have responsibilities for safeguarding their property.

In conclusion the proposed drainage system is acceptable in this instance due to the prohibitive costs which would affect the viability of the development if required to adopt a gravitational method of drainage due to the site level changes required. Furthermore a detailed proposal has been submitted to confirm how the system will be maintained. Should the system fail the liability will lie with occupiers of the site.

#### **(g) Sustainability**

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of Part A of the Edinburgh Standards for Sustainable Buildings.

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

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

The proposal meets the essential criteria. In addition the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. Additional measures include heat recovery ventilation and a commitment to using of sustainable timber.

### **(h) Equality and Human rights**

The equality and human rights impacts identified are the stepped access provided at Crawford Bridge which will prevent some users identified with protected characteristics from exiting and entering the development at this location. However alternative level accesses will be provided to the west of the site which will provide the opportunity to link through to the recently approved residential development at Bothwell Street and Easter Road beyond.

The proposed footbridge to link the development to Moray Park Terrace has been replaced with an at grade/level crossing in response to equalities concerns so that all users are afforded the same opportunities to access the shops and public transport provided at Meadowbank/London Road.

An Equality and Human Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

### **(i) Public Comments**

- Design and layout - addressed in Section 2.3b
- Density - addressed in Section 2.3b
- Building Heights - addressed in Section 2.3b
- Privacy - addressed in Section 2.3d
- Open space provision - addressed in Section 2.3d
- Access - addressed in Section 2.3e
- Parking - addressed in Section 2.3e
- Movement around the site - addressed in sections 2.3b and 2.3e
- Provision of swift nesting sites - addressed in Section 2.3j
- Key views - addressed in Section 2.3b
- Tree loss -addressed in section 2.3d

## **(j) Other Material Considerations**

### Archaeology

The site has the potential for containing significant remains associated with the 19th and 20th century railway yard and perhaps earlier 19th early century industry. A condition is recommended to secure a programme of archaeological works.

### Biodiversity

A comment was received suggesting that provision should be made for swift nesting sites within the development. Bird and bat boxes will be provided. An informative is recommended to consider provisions specifically for swift nesting sites.

## **CONCLUSION**

The proposal complies with the development plan and is largely in accordance with the non statutory guidance. The proposal introduces flatted blocks which are higher than the nearest flatted buildings but are appropriate in the context of the wider development of the area. The buildings will not adversely affect key views. The proposed mix of unit types and sizes will meet a range of housing needs. The site will increase connectivity to the adjacent residential areas and will provide access to nearby shops and public transport routes which are not currently easily accessible. The proposed drainage method will create a burden on future occupiers of the development in terms of the ongoing maintenance; however, there is no alternative which would not affect the viability of the proposal. The proposed drainage method will be effective and risks can be mitigated by implementing a robust maintenance scheme. Subject to a legal agreement and conditions the proposal is acceptable and there are no other material considerations which outweigh this conclusion.

## **3. Recommendations**

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

### **3.2 Conditions/reasons**

#### **Conditions:-**

1. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Head of Planning and Building Standards.
2. Prior to the installation of the proposed windows a full specification of the windows including trade name, dimensions and rating shall be submitted to and approved in writing by the Head of Planning and Building Standards.
3. 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 to the satisfaction of the Head of Planning and Building Standards, 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 Head of Planning and Building Standards.

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 to the satisfaction of the Head of Planning and Building Standards.

4. The proposed commercial unit located on the ground floor of Block 18 as shown on the approved plans shall be restricted to a use within Class 1 (Retail), Class 2 (Financial, Professional or other services) or Class 4 (Business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent amending legislation and for no other purpose.

5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning and Building Standards, having first been agreed by the City Archaeologist.

6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

7. Prior to the erection of the external bin/recycling stores full details including dimensions and materials of the proposed stores shall be submitted to an approved in writing by the Head of Planning and Building Standards.

**Reasons:-**

1. In order to ensure the adequacy of external building materials.

2. To ensure the windows meet the required sustainability standards and are an acceptable material.

3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to protect the amenity of the occupiers of the development.
5. In order to safeguard the interests of archaeological heritage.
6. In order to ensure that the approved landscaping works are properly established on site.
7. In order to enable the Head of Planning & Building Standards to consider this/these matter/s in detail.

### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide a contribution of £34,500 for provision of six car club spaces.
6. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide a contribution of £2,500 to promote the necessary traffic order to designate disabled persons' parking places. Note: the signs and markings must comply with the Traffic Signs Regulations and General Directions 2002 Regulations.
7. The developer shall investigate the installation of electric vehicle charging points with reference to Making the Connection The Plug-in Vehicle Infrastructure Strategy, Office for Low Emission Vehicles (June 2011).
8. Prior to the commencement of any works, a site waste management plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

9. The development shall be built in accordance with the requirements and recommendations of the noise impact assessment (Reference 0668/26/R, C Fleming, 5th October 2012. Noise mitigation measures are shown in paragraphs 9.14, 9.15 and 9.16.

10. The developer should include nest sites for swifts.

### **Statutory Development**

#### **Plan Provision**

The site is designated as a Housing Proposal site in the Edinburgh City Local Plan (HSG 4 Lochend Butterfly). There is a cycle/footpath safeguard extending from the adjacent site to the north east running to the south west of the site. The site is completely bounded by a transport safeguard.

#### **Date registered**

4 October 2012

#### **Drawing numbers/Scheme**

01,02A,03,04A,05A,6-17,18A-22A,23-26,27B-30B,31A-36A,42,43, 46-53,54B,55A,57A,58,59A,60-64

### **David R. Leslie**

Acting Head of Planning and Building Standards

## Links - Policies

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### Relevant Policies:

#### **Relevant policies of the Edinburgh City Local Plan.**

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

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 10 (Tall Buildings) sets out criteria for assessing proposals for tall buildings.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

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

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Tra 13 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

NSESBA - **Non-statutory guidelines** Part A of 'The Edinburgh Standards for Sustainable Building' requires new development in Edinburgh to reduce their carbon emissions in line with the current Building Regulations

NSESBB **Non-statutory guidelines** Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

**Non-statutory guidelines** The Protection of Key Views guideline aims to safeguard public views to those features which define Edinburgh's character. In order to achieve this, a number of key views have been specifically identified for protection. View cones for each key view have been separately defined. The impact of any proposed development on a key view will be assessed in terms of its effect on the view. While there will be a presumption in favour of protecting the views, it is recognised that the Edinburgh skyline has been formed by generations adding to and evolving the skyline. Positive additions to the skyline tend to be elegant and slender - spires and towers.

**Non-statutory guidelines** 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

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

**Non-statutory guidelines** 'The Edinburgh Standards for Housing' sets out principles and guidance whose aim is to achieve high quality, successful and sustainable residential developments.

**Non-statutory guidelines** on 'PARKING STANDARDS' set the requirements for parking provision in developments.

**Non-statutory guidelines** on 'HIGH BUILDINGS AND ROOFSCAPE' supplement local plan policies on building height and roof design, and provide policy guidance on these matters.

**Non-statutory guidelines** on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

# Appendix 1

## Consultations

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### **Lothian + Borders Police comment 18/10/2012**

*Lothian & Borders Police note the access to the development from the Crawford Bridge. We have requested access control measures at this point to restrict entry to residents only. The entrance here is incorporated within the residential block so it forms a tunnel to allow residents through into the rest of the development. Lothian & Borders Police wish to restrict access so as to prevent high levels of anti-social behaviour from football supporters, street drinkers and youths.*

*Unrestricted access to the new development from Crawford Bridge would not be conducive to creating the 'oasis' style environment the architects refer to if these groups infiltrate the perimeter. In turn this would impact heavily on Police resources particularly on match days at Easter Road Stadium.*

### **Archaeology comment 19/10/2012**

*The site occupies the site of a late-19th century railway sidings and goods yard identified on the 1896 OS map of the area. Mapping of the site up until the 1970's show a range of buildings and structures spread across the area with some minor changes occurring in number and location through the course of the 19th century until the site was cleared in the 1970's. The first edition OS map of the 1850's shows the site as greenfields though the main railway lines are in existence. Industrial activity in the area is evident by the close location of the Maryfield Glass Works (immediately to the west) and an Iron Works to the south.*

*Accordingly this site has been identified as occurring within an area of archaeological potential in particular relating to 19th / early-20th century railway industry. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*Having assessed the probable impact of this proposed development, it is considered that on current information such a proposal would be regarded as having a low-moderate archaeological impact. Ground-breaking works associated with construction of the new development however could disturb significant remains associated with the 19th century and early 20th century railway yard and perhaps earlier 19th century industry. Accordingly it is recommended that a programme of archaeological work is undertaken.*

*In essence this will see a phased programme of work, the initial phase being an archaeological evaluation up to a maximum of 10% of the site undertaken prior to construction with trenches targeted to investigate the sites of the railway buildings and structures shown on the pre 1950's OS maps. The results of the evaluation will allow for the production of more detailed mitigation strategies to be drawn up to ensure the appropriate protection and /or excavation, recording and analysis of any surviving archaeological remains.*

*It is therefore recommended that the following condition be attached consent to ensure that a programme of archaeological works is undertaken prior to construction.*

*'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) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work would 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.*

#### **Scottish Water comment 02/11/2012**

*In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.*

*Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at [www.scottishwater.co.uk](http://www.scottishwater.co.uk).*

*The water network that serves the proposed development may be able to supply the new demand.*

*Glencorse Water Treatment Works – has limited capacity available for new demand. The Developer should discuss their development directly with Scottish Water.*

*Water Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.*

*The waste water network that serves the proposed development may be able to accommodate the new demand.*

*Edinburgh PFI Wastewater Treatment Works – at present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.*

*Wastewater Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.*

*In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.*

*Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand. Funding will be allocated to carry out work at treatment works to provide growth in line with the Local Authority priorities. Developers should discuss delivery timescales directly with us.*

*If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules*

*A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.*

*Appropriately sized grease traps must be installed on all drainage outlets from food preparation areas. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.*

*If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.*

### **Edinburgh Access Panel comment 02/11/2012**

*At the last meeting of the Edinburgh Access Panel, we looked at the application for the bridge which forms part of the above application, from the housing development to Meadowbank Retail Park. We were very concerned that the bridge had steps on both sides, and there was therefore no consideration for disabled access. Whilst the panel understood the constraints of the site would make ramped access extremely difficult, we feel that there should be consideration to look at other solutions, such as a swing bridge over the railway, which could swing back to form a platform if the railway was to be used for trains at a future date.*

### **SEPA comment 29/10/2012**

*We ask that the planning condition(s) in Section 2 be attached to the consent. If any of these will not be applied, then please consider this representation as an objection. Please also note the advice provided below.*

## *Advice for the planning authority*

### *1. Surface Water Drainage*

*1.1 The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA. The design of the drainage system must be site specific and dependent upon the presence of any contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations.*

*1.2 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.*

*1.3 We consider that the drainage proposals are adequate, however, it should be noted that two levels of treatment will only be sufficient and considered as two levels if the porous paving has a geotextile membrane incorporated into it, otherwise it would be considered as one level of treatment.*

*1.4 SEPA would have no authority over the discharge to a drain owned by another party, this would be between the two parties to discuss. We acknowledge that in the applicants 'Statement on Drainage and Flooding Strategy' that a proportion of the exceedance flow could be diverted to a combined sewer, SEPA do not object to this, however, we expect that Scottish Water and the applicant to ensure that all reasonable efforts are made to remove surface water from the combined sewer.*

### *2. Sustainable Waste Management*

*2.1 Scottish Planning Policy (Paragraph 218) recommends that a site waste management plan be used to minimise waste at source on construction sites. In the interests of seeking best practice and meeting the requirements of Scottish Planning Policy, we request that a condition is attached to the consent requiring that a site waste management plan is submitted. If this is not attached, then please consider this representation as an objection. To assist, the following wording is suggested:*

*2.2 Condition: Prior to the commencement of any works, a site waste management plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.*

*2.3 Reason: To ensure that waste on the site is managed in a sustainable manner. Detailed advice for the applicant*

### *3. Surface Water Drainage*

*3.1 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.*

## **SEPA Comment 06/11/2011**

*SEPA would not raise any objection to the use of the suggested condition as an informative on any positive planning decision made by the Planning Authority.*

## **Environmental Assessment comment 27/11/2012**

*The application proposes a residential development on a triangular area of land. The site is bound by a railway line to the north with the south suburban railway line ending to the east of the southern wedge. Residential properties overlook the site across the railway line to the north. Meadowbank Retail Park is situated to the east with residential and commercial properties to the west.*

### *Noise*

*This Department highlighted during pre-planning discussions that the site may be affected by a number of noise sources surrounding the site. In particular, commercial units at Norton Park and Bothwell Street have the potential to cause disturbance from operational and delivery noise. In addition, Meadowbank Retail Park has operational, delivery and plant noise sources and the surrounding railway operations can also cause disturbance. Therefore, a noise impact assessment was provided in support of the application which assessed the noise levels affecting the site.*

*The commercial operations at Norton Park were found to be at a low level and unlikely to cause any disturbance to the residents of the proposed development. Bothwell Street commercial area is now closed with no noise emanating from it and the report concludes that it is unlikely that noise will be an issue from the site in the future.*

*The noise levels from Meadowbank Retail Park were found to be significant and that delivery and plant noise were both likely to be at levels which could cause disturbance to future residents of the proposed site should the windows be open. The noise impact assessment recommends mitigation measures in the form of mechanical ventilation with heat recovery facility (MVHR) which would require the windows to be kept closed to ensure that an acceptable internal noise level is achieved within the residential properties. The MVHR system proposed will meet Building Regulations (Part F - Means of Ventilation Requirements) and has been confirmed as meeting the sustainability standards required by the Council. Environmental Assessment is of the opinion that internal noise levels should be achieved with windows open to allow residents to adequately ventilate their property. However, in this case, the supporting information advises that acceptable internal noise levels and ventilation can be achieved in a sustainable manner which allows the system to be supported. A condition is recommended which ensures that the proposed MVHR system is fitted to all properties potentially affected by retail park noise.*

*The rail line to the north of the site is utilised by the refuse train attending Powderhall waste transfer station. The noise impact assessment advises that the noise levels are well within the limits required and no mitigation measures are required.*

*The south suburban railway line presently terminates at the southern tip of the site. However, the rail authorities have begun work to extend the line which may in the future travel up the eastern boundary of the proposed site. Therefore, the noise levels were calculated and predicted should the line be connected in the future. The noise impact assessment confirms that predicted noise levels will be within required limits and no additional mitigation is required.*

## *Air Quality*

*An air quality impact assessment has been provided in support of the application which advises that the overall increase in air pollution as a consequence of the increase in road traffic generated by the development is likely to be insignificant. Based on the assessment carried out, Environmental Assessment can concur with its findings.*

*The site has an existing consent in place to develop 212 residential units with 176 car parking spaces. The applicant now proposes to reduce the density to 209 residential units with 138 car parking spaces. This reduced density and associated reduced car parking spaces is welcomed by Environmental Assessment. Furthermore, the applicant has committed to providing a Residential Travel Plan leaflet to all new residents which will provide information on walking, cycling, public transport and local car clubs. The site will be well serviced by all these transport modes and the applicant will be developing six car club spaces as part of the development.*

*Additionally, in line with the Scottish Government, this section is committed to encouraging developers to integrate electric vehicle charging points into developments such as this proposal. As such, an informative is recommended in this regard and is outlined below.*

*Environmental Assessment has no objections to this proposed development subject to the following conditions:*

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

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

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

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

- 2. The development shall be built in accordance with the requirements and recommendations of the noise impact assessment (Reference 0668/26/R, C Fleming, 5th October 2012. Noise mitigation measures are shown in paragraphs 9.14, 9.15 and 9.16.*

## *Informative*

*The developer shall investigate the installation of electric vehicle charging points with reference to Making the Connection The Plug-in Vehicle Infrastructure Strategy, Office for Low Emission Vehicles (June 2011).*

## *Addendum*

*As stated above, Environmental Assessment has no objections to the approval of the application subject to the recommended conditions being attached to any consent.*

*NB. However, should all of the above conditions not be applied to any consent, Environmental Assessment will require to review the recommendation. In such event, it is imperative that this is notified immediately to the Environmental Assessment case officer.*

### **Affordable Housing comment 07/12/2012**

*This site forms part of the wider Lochend Butterfly Masterplan, which allocated dedicated plots for affordable housing. Edinburgh has led the way nationally in kickstarting the development of affordable housing on land that has emerged through the Affordable Housing Policy. In this case we can report that the affordable housing for the masterplan is allocated to a different site, which is already under construction and ought to complete in the next 12 months. As the affordable housing is being delivered first, it has meant that this remaining plot is for market housing only, and there is no affordable housing policy requirement, given that the AHP has already been satisfied on an adjacent plot.*

### **Transport comment 25/01/2013**

*I have no objections to the application subject to the following being applied as condition or informatives as appropriate:*

1. *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, including structural approval for the link to Crawford Bridge. Clarification will be required, prior to application for Road Construction Consent, of the following:*

- a. *maintenance responsibility for the pumping station;*
- b. *maintenance responsibility for the area of Stormcell;*
- c. *drainage;*
- d. *extent of adoptable areas, including links to Crawford Bridge and Moray Park Terrace;*
- e. *future links to Bothwell Street and Rossie Place; and*
- f. *materials;*

2. *It is noted that the proposed at-grade link to Moray Park Terrace and the access to Crawford Bridge may cross Network Rail land. The applicant will require agreement with Network Rail prior to construction;*

3. *any gate or gates must not open outwards on to any adoptable road, including footway or verge.*

*Consent should not be issued until the applicant has entered into a suitable legal agreement to provide the following:*

1. *construction of the at-grade link to Moray Park Terrace;*
2. *contribution of £34,500 for provision of 6No. car club spaces;*

3. a contribution of £2,500 to promote the necessary traffic order to designate disabled persons' parking places. Note: the signs and markings must comply with the Traffic Signs Regulations and General Directions 2002 Regulations.

Note:

Current parking standards for this area are 1 space per unit requiring 209 spaces. However, the proposed number of spaces, 138, is considered acceptable due to accessibility to public transport and the proposed inclusion of 6No. car club spaces in the development. The reduced parking also supports the Council's policies on townscape, open space and air quality. Overspill parking into neighbouring areas is unlikely due to the location of the site.

### **Network Rail comment 07/02/2013**

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

*'The developer should be aware that the dismantled railway line on the western boundary of the application site has been identified as a possible location for a new turnback siding as part of the ongoing Edinburgh to Glasgow Improvement Programme (EGIP) works. Please see attached plan showing its indicative location. As designs are still at an early stage, the overall extents of the sidings have not been finalised and could possibly be closer to the south western corner of the application site than shown.*

*The development includes proposals for a pedestrian link over land in Network Rail's ownership. Any proposal to construct this link will be subject to detailed discussions and agreement with Network Rail including future construction of a footbridge should this line be reopened. Any proposal to modify any existing Network Rail structures will also require our consent.*

*Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.*

*All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).*

*The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent undue interaction between site occupiers and the railway*

*If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.*

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

*The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.*

*Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.*

*Issues often arise where sensitive development types are sited in close proximity to the rail line.*

*The developer should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.*

*Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains.*

*The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The applicants should obtain Network Rail's approval of their detailed lighting proposals. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision and/or signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.*

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

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

*The developer must contact our Asset Protection Engineers regarding the above matters.*

*The following matter should also be noted by the developer:*

*All or part of this land was previously owned by Network Rail, or its predecessors and title obligations may exist that require development consent to be obtained from Network Rail. No building works may commence until such consent has been confirmed. This must be obtained by the applicant outwith the planning process. The developer must contact our Asset Protection Engineers regarding this matter.*

### **Flood Prevention Comment 31/01/2013**

*I refer to the above application and would respond as follows in respect of flood prevention.*

*1. The Statement on Drainage and Flooding Strategy states that the surface water drainage system will be pumped to a point within the site where it will discharge to an inverted syphon. Scottish Water have stated in writing that they will not adopt a pumped system. They have not indicated the point at which they will adopt the system if it is constructed, and will not do so until the final design is agreed.*

*2. The statement also indicates that excess flows in excess of the capacity of the surface water system will overflow into land belonging to Network Rail. Although it is claimed that the design will not increase runoff up to the 1:200 event, the drainage system and attenuation is designed for a 1:30 event in accordance with sewers for Scotland. Therefore there would be some increase in runoff at the 1:200 level due to the development.*

*3. There is therefore an increased risk of flooding to adjacent the adjacent railway in the event of a storm exceeding a 1:30 event, or in the event of any failure in the surface water pumping system.*

*4. Network Rail have stated that they would look for a suitable body (CEC or Scottish Water preferred) to be responsible in order they could pursue action if railway land was threatened.*

*5. I could not advise that CEC should adopt the pumped surface water drainage system. In addition to the potential liabilities, I am not aware of any legal basis on which CEC could do so.*

*6. While the developer has indicated that the system could remain private, I would consider that private owners would lack the resources to ensure that the risk of failure would be acceptable, and that emergency repairs could be carried out in time. It should be noted that Scottish Water, the only organisation who may have sufficient resources, are not willing to adopt this system.*

*7. The risk of flooding is mostly to Network Rail land, however it should also be recognised that failure of the pumping main could result in unpredictable flooding to properties in the development.*

*I would therefore recommend that this proposal should not be approved unless a design can be developed in which the surface water drainage will be adopted by Scottish Water.*

