

# Development Management Sub Committee

Wednesday 17 December 2014

## Application for Planning Permission in Principle 14/01283/PPP

At Land Adjacent To, Queensferry Road, Kirkliston  
Planning Application under Section 42 of the planning act  
seeks to increase total number of residential units from 680  
to 720 at Land Adjacent to Queensferry Road, Kirkliston  
(06/05149/OUT).

Item number	5.1
Report number	
Wards	A01 - Almond

### Summary

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The overall site is identified and consented for housing development and as such the proposal is acceptable in principle. Road safety, education capacity and affordable housing concerns can be addressed by securing financial contributions through the delivery of an appropriate S75 legal agreement. There are no material considerations that outweigh this conclusion.

### Outcome of previous Committee

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This application was previously considered by Committee on 30.07.2014

This application was considered on 30 July 2014 and the Committee determined to grant the planning permission in principle subject to the recommended conditions and subject to a suitable legal agreement in relation to financial contributions concerning affordable housing, public realm, education and transport infrastructure.

Following the Committee determination the applicant queried the level of financial contribution with regards to education infrastructure. The education contribution has been reconsidered and the application is returning to Committee for a decision.

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## Links

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[Policies and guidance for this application](#)

LPRW, RWE1, RWE4, RWE46, RWH2, RWH5, RWH7, RWH11, RWTRA1, RWTRA2, NSG, NSDCAH,

# Report

## **Application for Planning Permission in Principle 14/01283/PPP**

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Planning Application under Section 42 of the planning act  
seeks to increase total number of residential units from 680  
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### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site, which covers 37 hectares of land, lies to the north of Kirkliston immediately beyond the established residential area. The B800 Queensferry Road runs north to south through the centre of the site. The western boundary is marked by the M9 motorway and the eastern boundary by Almondhill House, Almondhill Cottages and Almondhill Steading. Almondhill Farmhouse is a statutory C(s)-listed building (reference 26736, date listed 8 March 1994) and Almondhill Steading is B-listed (reference 26748, date listed 8 March 1994). To the north is an existing railway line beyond two underground gas pipelines.

Previously approved residential development has commenced on the wider site.

#### **2.2 Site History**

17.04.2008 - Permission was granted for the installation of infrastructure works to serve future development of the site (07/04254/FUL).

07.05.2009 - Outline planning permission was granted for a mixed use development comprising new housing, public open space and associated community facilities and reserving a site for a primary school (06/05149/OUT).

02.09.2009 - An application for the erection of 62 detached and semi-detached houses was withdrawn (08/01268/FUL). This application related to Area J identified in the masterplan.

11.12.2009 - Approval was given for the erection of 83 dwellinghouses and associated roads, paths, fences and landscaping (09/01638/REM). This application related to Area E identified in the masterplan.

27.01.2010 - Permission was granted for 164 houses and 54 flats (08/00031/FUL). This application related to Areas B, C, D and X identified in the masterplan.

01.04.2010 - Non-material variation to substitute house type plot 99 (08/00031/VARY).

07.04.2010 - The Council declined to determine an application to vary a condition of the outline permission to enable 675 units to be erected rather than the 610 units approved (09/03007/FUL).

23.09.2010 - Permission granted for a development of 70 dwelling houses and associated roads, paths, walls, fences, soft and hard landscaping (as amended) (10/01656/AMC).

08.10.2010 - Planning condition no. 4 of consent (ref: 06/05149/out) varied, to replace "610 units" with "675 units". (09/03007/FUL).

20.10.2010 - Detailed planning permission was granted for the Creation of two electricity sub-stations (10/02677/AMC).

17.02.2011 - Permission granted for a scheme of strategic landscaping throughout the site, including details of planting schedules and management (10/02687/AMC).

27.05.2011 - Permission granted for the development of 31 dwellinghouses, associated roads, footpaths, walls, fences, soft/hard landscaping (as amended) (10/03053/AMC).

23.04.2012 - Permission granted to delete condition 4 of consent 06/05149/OUT that restricts the total number of residential units to 610 (11/01857/FUL).

15.08.2012 - Permission granted a plot substitution of 2 Mull house types for 4 Blairgowrie house types (12/02260/FUL).

27.09.2012 - Permission granted to amend the deemed planning condition to extend the period for submission of applications for approval of matters specified in conditions from 3 to 5 years (12/01195/FUL).

16.10.2013 - Permission granted for the erection of 9 dwelling houses and 4 double garages on plots 32-40 (12/00095/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend planning condition 4 of planning permission 06/05149/OUT by increasing the number of housing units from 680 to 720.

### **3.2 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?

### 3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposal raises any issues in respect of road or pedestrian safety;
- c) the proposal raises any issues in respect of infrastructure capacity;
- d) any impacts on equalities or human rights are acceptable; and
- e) comments raised have been addressed.

#### a) Principle

The application site is identified in the development plan as a strategic housing allocation and construction of the approved scheme is underway. The proposal will provide an additional 40 residential units to the site as a whole.

In terms of affordable housing provision the additional 40 units proposed is subject to a provision of 25% affordable units (10 units) in accordance with policy H7 of the Rural West Edinburgh Local Plan. A significant element, however, of the affordable housing requirement which was attached to the original planning approval for this site has now been delivered with the remaining requirement under construction and due to be completed soon. The homes delivered to date have included affordable homes for local adults with learning difficulties. Services for Communities, Strategy and Investment, are of the view that, given the size of the specific increase, the provision of a commuted sum developer contribution is the most appropriate approach with this application and have indicated that the sum will be utilised for the provision of affordable housing within the same or adjacent Ward within a five year period. Services for Communities, Strategy and Investment, have no objections on this basis.

The overall site is identified and consented for housing development and the proposal is consistent with this allocation. No new development area is proposed. The proposal is acceptable in principle subject to transport and infrastructure issues being addressed.

#### b) Roads

Concern has been raised that additional housing will increase traffic and place further pressure on the road network, with particular reference to the junction of Queensferry Road with Main Street. A traffic assessment and traffic signal review has been submitted with the application which concludes that the traffic generation from the proposed additional units can be accommodated at this junction with appropriate mitigation (adjustment to the signal cycle time and staging). The Council's traffic control section have audited both documents and have indicated they are content with their conclusions.

There is also concern that additional traffic will increase the safety risk pedestrians on Queensferry Road. There are, however, existing traffic calming measures on this section of Queensferry Road and with the Consortium committed to providing a further contribution towards further traffic calming measures within the village, it is considered that road safety will not be compromised. Transport Planning has offered no objections.

The impact of additional housing on already limited public transport provision has also been raised. However, the provision of additional housing may help sustain the existing service and potentially lead commercial operators to expand their service. As part of the original application, the Consortium will provide a financial contribution towards the cost of providing enhanced bus services in the vicinity of the development.

In summary, the proposal to increase housing numbers will not have an adverse impact upon road safety.

### c) Infrastructure

In terms of education infrastructure, Children and Families has advised that the proposed additional 40 units are expected to generate an additional 18 non denominational primary pupils which generates the requirement for an extra class to be funded by the development through developer contributions. The proposal will also generate a further six secondary pupils and Children and Families require further secondary school developer contributions in line with the Education Infrastructure Appraisal. The total education developer contributions for this application are suggested by Children and Families to be £357,015 and a detailed breakdown of this figure is contained with the Children and Families education consultation response available on the Planning and Building Standards Online Services. Provided that the above developer contribution is secured through a S75 agreement, Children and Families has raised no objection to the proposal in terms of education infrastructure.

Concern has been raised that increasing pressure will be placed on local services including shops and healthcare. Growing demand for such services may enable operators to remain in Kirkliston and plan for expansion. Extra demand for these types of services would not merit a reason for refusal.

Large open spaces are provided within the existing consent and it is not considered that the additional 40 units proposed represent an overdevelopment of the site in this respect. The detailed site layouts for plots as yet undeveloped will require separate applications and will be presented to the Committee for consideration.

The drainage strategy for the site as a whole has been consented and the proposal for an additional 40 units does not include the development of any area outwith that already consented, but instead represents an increase in density. It is therefore considered that the proposal will have minimal impact on surface water drainage for the site as a whole. Details of surface water drainage in the form of sustainable urban drainage systems is required for those plots as yet undeveloped and will be considered under applications for reserved matters.

#### d) Equalities and Human Rights

The proposed development will create an environment where public spaces can be used safely and securely. The proposals will offer a good standard of living with access to transport and public spaces including green spaces. The proposal will have a positive impact in respect of rights.

A range of living accommodation is likely to be provided that will support different users and the site is accessible for people with mobility issues. The proposal includes an element of affordable housing to assist those who cannot access traditional housing markets. The proposal will have a positive impact in respect of equalities.

In summary the proposal will have a positive impact in respects of equalities and human rights.

#### e) Public Comments

The application attracted 55 letters of representation, 53 letters of objection and two general comments.

##### *Material Issues*

- Overdevelopment - addressed in section 5.3 c);
- Impact on local traffic, roads and parking - addressed in section 5.3 b);
- Impact on local education capacity - addressed in section 5.3 c);
- Impact on public transport - addressed in section 5.3 b); and
- Impact on local services including medical facilities - addressed in section 5.3 c).

##### *Non-Material Issues*

Type of housing and parking proposed;

- Specifics concerning local open space provision;
- Intrusion on designated greenbelt;
- Development outwith the proposal site;
- Internet access; and
- Distance from local services including shops.

## Conclusions

The overall site is identified and consented for housing development and as such the proposal is acceptable in principle. Education capacity, Transport and affordable housing concerns can be addressed by providing further financial contributions through the delivery of an appropriate S75 legal agreement. A condition restricting the maximum number of residential units is proposed.

It is recommended that the Committee approves this application subject to the conclusion of a legal agreement in respect of transport, education and affordable housing contributions, and a condition restricting the maximum number of residential units.

## **Addendum to Assessment**

The application was considered by the Development Management Sub-Committee on 30 July 2014 and the Committee determined to grant the planning permission in principle subject to the recommended conditions and subject to a suitable legal agreement in relation to financial contributions concerning affordable housing, public realm, education and transport infrastructure.

Following the Committee determination the applicant queried the level of financial contribution regarding education infrastructure. The applicant queried whether the method of calculation was consistent with that used across the wider Kirkliston development site and also stated the level of contribution sought was not consistent with indications given during pre-application discussions involving representatives of the Children and Families Department.

Originally a financial contribution of £375,015 was sought. The contribution regarding education infrastructure has been recalculated using an approach consistent with that taken in previous applications across the wider Kirkliston development site. The revised total education developer contribution for this application is £109,494.

This revised approach is consistent with the previous that previously applied to the wider development and represents a more robust approach given the advice and tests set out in the circular on planning agreements.

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

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

#### **Conditions:-**

1. Before any work on each phase of the site is commenced, details of the undernoted reserved matters shall be submitted to and approved in writing by the planning authority; the submission shall include and shall be in the form of a detailed layout of that phase (including landscaping and car parking), and detailed plans, sections and elevations of the buildings and all other structures.



## RESERVED MATTERS:

- a) siting, design, height of development including design of all external features and glazing specifications, (including acoustic capabilities).
  - b) design and configuration of public and open spaces, all external materials and finishes.
  - c) car and cycle parking, access, road layouts and alignment, servicing areas.
  - d) footpaths and cycle routes.
  - e) boundary treatments.
  - f) Details and the timescale for the hard and soft landscaping details, which shall include:
    - i. Existing and finished ground levels in relation to Ordnance Datum.
    - ii. Layout and design, including walls, fences and gates.
    - iii. Existing and proposed services.
    - iv. Other structures such as street furniture, play equipment.
    - v. Programme of completion and subsequent maintenance.
    - vi. Location of new trees, shrubs, hedges grasses and wetland areas.
    - vii. A schedule of plants to comprise species, plant size and proposed number/density.
    - viii. Details of any water features
  - g) Surface water drainage in the form of sustainable urban drainage systems.
  - h) the provision of waste management and recycling facilities.
  - i) full details of sustainability in accordance with the Edinburgh Standards for Sustainable Building.
  - j) details on flooding using 0.5% annual probability flow values.
2. The development hereby approved relates to the principle of forming residential development on this site and gives no approval to the layout as proposed on the plans submitted.
  3. The maximum number of residential units on the site shall be restricted to 720 units.
  4. 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 & Strategy, having first been agreed by the City Archaeologist.
  5. Development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the Local Authority. The submitted plan shall include details of:
    - Sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS)'.
    - management of any roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds.

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

6. No building or structure of the development hereby permitted shall exceed 75.265m Above Ordnance Datum (AOD).
  7. Details of the lighting schemes required during construction and for the completed development shall be submitted to and approved in writing by the Head of Planning and Strategy before any work commences on the site. The lighting shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.
  8. 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 Strategy, 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 Strategy.
  - 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 Strategy.
  9. Development shall not commence until a scheme for protecting the future occupiers of the residential unit hereby consented, from noise from road, rail and air has been submitted to and approved by the Planning Authority; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.
  10. The design, installation and operation of the lift shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
1. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
  2. To define the permission.
  3. In the interest of infrastructure capacity.
  4. In order to safeguard the interests of archaeological heritage.

5. In the interests of aircraft safety.
6. In the interests of aircraft safety.
7. To avoid endangering the safe operation of aircraft through confusion with nautical ground lights or glare.
8. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
9. In order to protect the amenity of the occupiers of the development.
10. In order to protect the amenity of the occupiers of the development.

### **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to affordable housing, public realm, education and transport infrastructure.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and Other Construction Issues'.
3. Two high pressure gas pipelines lie in the northern area of this site which will affect the detailed planning of this site. The building proximity distance to the pipelines is restricted to 21metres.

### **Financial impact**

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

The application is subject to a legal agreement for developer contributions.

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

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

### **Equalities impact**

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

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

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

This application was advertised on 16 May 2014 and attracted 55 letters of representation, 53 letters of objection and two general comments. Letters of objection received included those from Councillors Alastair Shields and Norman Ward, the Kirkliston Primary School Parent Council and the Community Council.

#### *Material Issues*

- Overdevelopment.
- Impact on local traffic, roads and parking.
- Impact on local education capacity.
- Impact on public transport.
- Impact on local services including medical facilities

#### *Non-Material Issues*

- Type of housing and parking proposed.
- Specifics concerning local open space provision.
- Intrusion on designated greenbelt.
- Development outwith the proposal site.
- Internet access.
- Distance from local services including shops.

### **Community Council Objection**

#### *Material Issues*

- Impact on local education capacity.

- Impact on local traffic, roads and parking.
- Impact on local services including medical facilities

#### *Non-Material Issues*

- Type of housing proposed.

#### **Background reading/external references**

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

**Statutory Development  
Plan Provision**

The application site is identified by the adopted Rural West Edinburgh Local Plan as a strategic housing allocation at North Kirkliston. The application site is also covered by the North Kirkliston Development Brief.

**Date registered**

22 April 2014

**Drawing numbers/Scheme**

01,

Scheme 1

**David R. Leslie**

Acting Head of Planning and Building Standards

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**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Rural West Edinburgh Local Plan.**

Policy E1 seeks to prevent development which would be inconsistent with local plan objectives for sustainable development.

Policy E4 states that development proposals should fully take into account the likely effects on the environment and include measures to mitigate any adverse effects.

Policy E46 states that planning applications should demonstrate that proposals will not result in a significant increase in surface water run-off relative to the capacity of the receiving water course in flood risk areas.

Policy H2 says that housing development will be supported on sites HSP1 to HSP8.

Policy H5 states that all new housing should harmonise with and reflect the character of its surroundings and should adhere to the criteria set out in the policy.

Policy H7 states that planning permission for residential development, including conversions, consisting of 12 or more units, should include provision for affordable housing amounting to 25% of the total number of units proposed.

Policy H11 states that the Council will support the retention of existing community facilities where there is a proven need and no suitable replacement facilities are available.

Policy TRA1 says that development with the potential to generate significant levels of personal travel should be located on sites which minimise the need to travel and are easily accessible by foot, cycle or public transport.

Policy TRA2 states that proposals will not be permitted where it would have an unacceptable impact on the existing road network; public transport operations; air quality; road safety, residential amenity and walking and cycling.

### **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.

# Appendix 1

## **Application for Planning Permission in Principle 14/01283/PPP**

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### **Consultations**

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#### **Affordable Housing**

##### *1. Introduction*

*I refer to the consultation request from the Planning Department about this planning application.*

*Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

*o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*

*o This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

##### *2. Affordable Housing Requirement*

*This proposal seeks to increase the number of residential units within the Kirkliston Masterplan area from 680 to 720. This means that there will be an additional 40 units and as such the AHP will apply. There will be an AHP requirement for 10 units (25%).*

*A significant element of the affordable housing requirement which was attached to the original planning approval for this site has now been delivered with the remaining requirement under construction and due to be completed soon. The homes delivered to date have included affordable homes for local adults with learning difficulties and has received high acclaim from the local community.*

*A similar application to increase unit numbers was made in 2012 (application reference number: 12/00095/FUL) for an additional 9 units. This was approached on the basis that given the small size of the specific increase, a commuted sum was the most appropriate delivery method. This was agreed within a Section 75 Legal Agreement. It*



was also agreed that any further applications to increase the number of units (above 680) would be approached in the same way.

Given the terms of the Section 75 and that the affordable housing requirement for the original application has already been met on site, it is this department's view that the provision of a commuted sum is the most appropriate approach with this application. As such a commuted sum of £248,920 (10x £24,892), will be required to be paid to the Council by the applicant upon receipt of planning consent. We would request that this is included within the Informatives section of the report to Development Management Sub-Committee. This sum will be utilised for the provision of affordable housing within the same or adjacent Ward within a five year period.

## **Education**

### *Pupil Generation*

The following pupil generation for 720 units is based on the latest pupil generation ratios included in the second proposed Local Development Plan Education Infrastructure Appraisal (EIA).

#### *Catchment School Predicted Pupil Generation*

Kirkliston PS 168

St Margaret's RC 26

Queensferry HS 109

St Augustine's RC HS 19

#### *ND Primary School Contributions - Kirkliston Primary School*

The section 75 agreement relating to the ND primary school for this development site was agreed at the time of the original planning application for 610 houses which was expected to generate 150 additional pupils. This new proposal is now expected to generate an additional 18 pupils which generates the requirement for an extra class to be funded by the development.

Based on this up to date assessment it is proposed the developer makes a contribution (linked to the new application for 720 units) of £207,015 which covers the costs previously to be met by the Council in phase 3 of the extension at Kirkliston Primary School. These costs covered the provision of an additional teaching space as outlined in a report to the Education, Children and Families committee in May 2013. This contribution would be above and beyond contributions agreed as part of the section 75 agreement aligned to the original planning application for 610 houses. The costs are as at Q2 2014 and payment should be indexed linked (using BCIS All-in TPI).

#### *RC Primary School Implications and Contributions*

The additional pupil generation from the proposed increased of units is low and therefore no further contributions to the catchment RC primary school are sought.

#### *Secondary School Contributions*

At the time of the original application for 610 houses no secondary contributions were sought. However, since then the second proposed Local Development Plan proposes significant new housing which will have an impact on the catchment secondary schools and contributions therefore now require to be sought.

*The original planning application for 610 houses would have been expected to generate 104 ND secondary pupils and 18 RC secondary pupils. Therefore, based on the pupil generation figures in the table above, this new application would be expected to generate an additional 6 secondary pupils.*

*Secondary school developer contributions are now assessed as outlined in the Education Infrastructure Appraisal. This is £25,000 per pupil generated by the proposed development as at Q1 2014 prices which again would be subject to inflation (using BCIS All-in TPI). The secondary school pupil generation for RC and ND would be combined to give pupil product for assessing developer contributions. The total secondary contribution would therefore be £150,000.*

#### *Total Contributions*

*The total contributions for this application are therefore suggested to be £357,015 indexed link for inflation as detailed above.*

*It is recommended that agreement is reached to secure payment by August 2016, particularly for the ND primary school contribution, so that the contribution is available to fit with current estimated construction timelines.*

## **Transport**

*I have no objections to the application.*

#### *Informative*

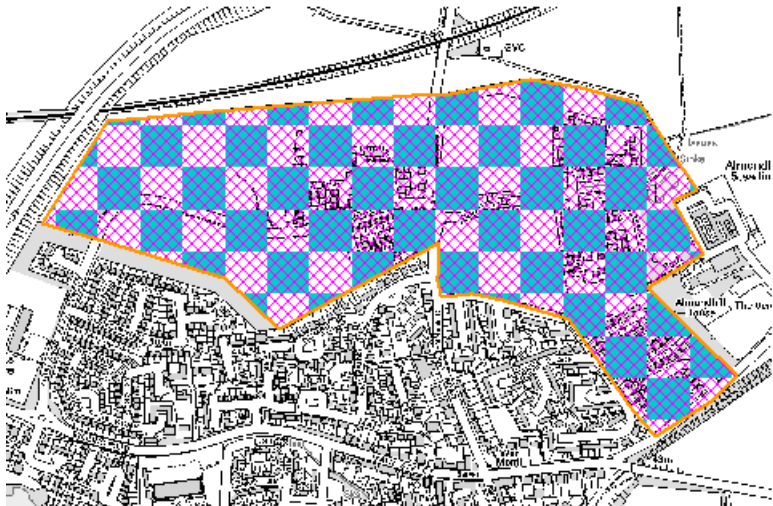
*The application is for an increase in units from 680 to 720.*

*These units are on the west side of the bus gate as, as such, all traffic associated with this extension will impact on the traffic signals junction on the B800 / Kirkliston Main Street.*

*The developer's traffic assessment (TA) and traffic signal review (TSR) submitted with the application that the traffic generation from additional units can be accommodated at this junction with appropriate mitigation (adjustment to the signal cycle time and staging). The Council's traffic control section have audited both documents and have indicated they are content with their conclusions.*

# Location Plan

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**END**