

Development Management Sub Committee

Wednesday 17 December 2014

Application for Planning Permission in Principle 14/03736/PPP

**At Site 100 Metres West Of 17-21, Portobello High Street,
Edinburgh**

**Demolition of buildings and development for residential,
retail, sui generis and retirement apartments, detailed
matters for retail store (siting, design, access and
landscaping) detailed matters of residential (max no. of
heights of units, layout and points of vehicular/pedestrian
access and egress).**

Item number	7.1(a)
Report number	
Wards	A17 - Portobello/Craigmillar

Summary

The proposal constitutes the redevelopment of a brownfield site within the urban area for residential and retail uses and this is in accordance with the aims of the development plan. Although the retail element does not accord with the North West Portobello Development Brief, there are overriding considerations which allow acceptability of the proposals. Issues of height, design and location of the proposed housing will be subject to further planning applications for the approval of matters specified in conditions, as will parking, landscaping and sustainability.

Issues of residential amenity for existing properties have been considered and the impact of the development is found to be acceptable.

There are no material considerations that outweigh this conclusion and it is recommended that the application be granted subject to conditions relating to the submission of further applications for matters specified in the conditions.

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITE6, CITE9, CITE18, CITOS3, CITH1, CITH2, CITH3, CITH4, CITH7, CITCO1, CITCO2, CISTR2, CITT1, CITT6, OTH, NP01, NSART, NSDCAH, NSESBB, NSGD02,

Report

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Recommendations

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

Background

2.1 Site description

The site is located to the north west of Portobello town centre and extends to 3.45 hectares in area. It is broadly triangular in shape and bound by Portobello High Street to the east, a Kwik Fit garage and Fishwives Causeway to the south, and Baileyfield Road to the west, with Sir Harry Lauder Road beyond. A Scottish Power substation lies to the north.

There are a number of light industrial uses currently on the site including a car sales garage, car and van rental premises and an office building, which is currently occupied by artists' workshops and studios. To the western edge of the site lies the Baileyfield Cottages, which is a terraced row of 21 traditional single-storey houses.

The character of the wider area is varied with residential properties to the east of the site and industrial and commercial uses to the south and west. The Portobello Conservation Area lies to the south beyond Fishwives' Causeway.

The site generally slopes down from the south west to the east. Site levels vary from 16.45m Above Ordnance Datum (AOD) at the south western corner down to 10.00m AOD at the disused petrol station at the east of the site on Portobello High Street. There is also a level difference along Fishwives' Causeway, where the site lies lower than the road.

2.2 Site History

25 May 2005 - Planning Permission in Principle was refused (at appeal for non-determination) for the erection of superstore, petrol filling station and associated parking, landscaping and access roads (application reference: 03/03021/OUT. Appeal references: P/PPA/230/631 and P/PPA/230/632).

25 May 2005 - Planning Permission in Principle was refused for the formation of car parking, bus stop and landscaping, ancillary to proposed superstore (application reference: 04/00188/OUT).

10 June 2010 - Full Planning Permission was refused for development comprising residential, commercial, office, community use, Royal British Legion, health and well being centre, exhibition space, retail, demolition of existing buildings on site, parking, landscaping and access arrangements (application reference: 09/01029/FUL).

18 February 2011 - Advertisement Consent was refused for the erection of two commercial backlit advertising displays (application reference: 10/03634/ADV).

13 October 2011 - Advertisement Consent was refused for the erection of two backlit advertising displays (application reference: 11/02505/ADV).

Other Relevant Applications

22 November 2013 - Planning Permission was refused for the erection of Class 1 (food) retail unit, access, car park, servicing plus external works (application reference: 13/03189/PPP).

12 January 2011 - Planning Permission was refused for a section 42 application to vary condition (ii) of planning permission 2264/85 to erect 2 non-food retail warehouses and garden centre, variation required to allow for the sale of food from this existing retail unit (application reference: 10/01663/FUL. Appeal reference: P/PPA/230/2055).

Main report

3.1 Description Of The Proposal

This application is for Planning Permission in Principle for a mixed use development comprising the demolition of the existing buildings and the redevelopment of the site for residential use including flats, houses and colony-style housing, a retail foodstore and retirement living apartments.

Although the application seeks to establish the principle of the development, a number of detailed matters for the foodstore have been submitted for approval, including siting, design, parking, access and hard and soft landscaping.

The residential and retirement apartments contain less detail but the application seeks to establish the maximum number of units, maximum heights, layout and points of vehicular and pedestrian accesses and egresses.

The details of the different elements of the scheme are provided below.

Phase One - Retail

The retail foodstore is proposed to be located on the southern part of the High Street frontage, adjacent to the existing Kwik Fit garage. It is proposed to extend to 1,674 square metres in area, providing 1,254 square metres of net floorspace. A total of 98 car parking bays are proposed to serve the store and the car park is proposed to be located to the north of the store, also on the High Street frontage. The opening hours are proposed to be:

Mondays to Saturdays:	8am - 10pm
Sundays:	9am - 7pm

The foodstore is a single storey building with a relatively flat roof screened by a low level parapet. The High Street frontage of the foodstore will be glazed with a canopy, while the car park elevation will have high level windows to provide natural light into the store. The external walls will be finished in brick.

Vehicular access into the foodstore is located to the north of the car park and this access also serves the residential development and retirement apartments' car park (although a secondary access for the residential development is available off Fishwives Causeway). Pedestrian access into the foodstore is taken from an entrance on the High Street frontage, adjacent to the car park.

Structural landscaping is proposed on the main frontage along the length of the car park and foodstore in the form of street trees, hedging and low level planting. Landscaping is also proposed to act as a screen between the foodstore and the new residential developments to the rear.

Phase Two - Retirement Apartments

It is proposed that the flatted residential building that fronts onto the High Street at the most northern part of the site would be for retirement apartments.

On this basis, there would be the provision of 42 retirement apartments in the form of 20 one bed and 22 two bed apartments with communal facilities over four storeys. Access is proposed via the High Street by utilising the same access as the foodstore and new residential development.

As this application is for Planning Permission in Principle, no details have been submitted with regards to the design or external materials. These will be matters for approval in further applications.

Phase Three - Residential

As this application is for Planning Permission in Principle, all details of the residential accommodation will be matters for further applications. However, the applicant has submitted an indicative layout which shows that the accommodation is divided between flats and colony style housing. The flats are located on Fishwives Causeway on the southern edge of the site and are proposed to be three and four storeys in height. The colony housing is three storeys in height and is located internal to the site and along Baileyfield Road in the gap between the Baileyfield Cottages.

No details of the design or external finishes for the residential development have been submitted as these details will be required in further applications. However, the indicative breakdown of accommodation is as follows:

Residential Mix (Excl Retirement Living)

1 beds	21
2 beds	42
3+ beds	15
2 bed "Colonies" houses	99

The applicant has indicated that at least 25% of the units will be affordable.

Open space for the development is provided in the form of private gardens for the colonies, shared gardens for the flats and a central, publicly accessible park of approximately 1028 square metres.

Supporting Statements

The following information was submitted in support of the application:

- Acoustic Report;
- Archaeological Evaluation;
- Bat Survey;
- Design and Access Statement;
- Drainage Strategy;
- Flood Risk Assessment;
- Habitat Survey;
- Pre-application Consultation Report;
- Planning Statement;
- Sustainability Statement;
- Transport Assessment (and Quality Audit), and
- Air Quality Assessment.

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

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 proposals comply in principle with the Development Plan and the North West Portobello Development Brief;
- (b) the proposals provide a development of appropriate scale and design;
- (c) the proposal would be acceptable in terms of the amenity for the existing and new residents;
- (d) the access and parking arrangements are acceptable;
- (e) the development is acceptable in terms of flood risk, drainage and SUDS;
- (f) the proposal would meet sustainability criteria;
- (g) other material issues of education, archaeology, air quality and site contamination have been addressed;
- (h) the proposal would have any equalities or human rights impacts; and
- (i) the comments raised in representations have been addressed.

(a) Principle of the Development

The Development Plan

The site is within the Urban Area of the Edinburgh City Local Plan. In these areas, development is acceptable in principle provided it is appropriate in scale and design, and complies with other policies in the plan.

In terms of the residential development, the principle of housing is acceptable. This is by virtue of the fact that the site is located in an area where housing is a predominant land use. There are also existing residential properties on the site and therefore the residential land use is established.

With regards to the retail unit, the proposal is approximately 200 metres from the defined town centre of Portobello and 330 metres from the primary frontage. It is therefore considered to be edge of centre in terms of the sequential test. Therefore, Policy Ret 2 in the Edinburgh City local Plan is relevant.

This view was supported by the reporter for the Milton Road appeal determined in March 2012 (Appeal reference PPA-230-2055). This appeal was against the refusal of an application to allow the sale of food from an existing retail unit. In his decision letter the reporter states *'The former Scottish Power site in Portobello High Street is approximately 200 metres from the defined town centre boundary from where it is clearly visible. I consider this site is sufficiently close to the centre that it could form an effective extension to it'*.

In November 2013, the Council refused planning permission for a Lidl store to the north of the application site at Inchview Terrace (application reference: 13/03189/PPP) on the basis that the site at Baileyfield was sequentially preferable i.e. edge of centre as opposed to out of centre.

Policy Ret 2 of the Edinburgh City Local Plan states that planning permission will be granted for retail development on sites which adjoin the boundary of a town centre or are within comfortable and easy walking distances of primary frontages if it is clear that no suitable sites are available within the town centre itself and subject to criteria a)-e) of the policy.

In terms of this policy, the first thing to consider is whether there are sites within Portobello town centre that are suitable as a sequentially preferable location. In its Policy and Retail Statement, the applicant states that there are no suitable sites within the centre which could accommodate a development of this size (1,674 square metres gross). While there may be some vacant units in the high street, none are likely to be of a suitable size and redevelopment opportunities are limited. There are no other town or local centres close to this site.

Having established this, the proposal needs to be assessed in terms of the five criteria a)-e) in the policy as follows:

- a) there will be no significant adverse effects on the vitality and viability of the city centre retail core or any other town or local centre.

Much of the trade for this store will be derived by recapturing expenditure currently being spent in locations such as Asda at the Jewel, Sainsburys at Meadowbank and Tesco and Aldi at Musselburgh. While there will be some trade diversion from other convenience stores within the Portobello town centre, impact is unlikely to be significant; estimated at approximately 3%. Portobello town centre is performing relatively well as a centre at present as the health check submitted with the application helps to confirm.

- b) the proposal is for a development that will be integrated satisfactorily into the centre and will help to maintain a compact centre.

The design of the store has been altered in order to integrate it into the existing town centre. Measures include the location of the foodstore within the site being as close as possible to the town centre and the relocation of the entrance on the main facade of the building onto Portobello High Street.

- c) the proposal is compatible, in terms of scale and type, with the character and function of the centre.

The proposals are of a sufficient scale and quality to improve local choice and to assist in retaining greater expenditure locally. The sales area of the proposed foodstore is comparable to the nearby Scotmid with a sales area of 1,254 square metres.

In order to address this criterion, it is worthwhile noting the comments from the Reporter following the 2005 public inquiry, which concluded that the town would benefit from additional foodstore provision in order to establish more localised shopping patterns. It was also considered that this could be achieved without any detriment to Portobello town centre.

- d) the proposal will reinforce the range of facilities and the vitality and attractions of the centre.

This proposal has the potential to re-balance retail provision in terms of the range and quality of retail facilities in Portobello. Generally, the quality of shopping in the western part of the centre near the site is poor compared with the rest of the centre and there is less convenience shopping, with units tending to be non-retail or comparison. This proposal would contribute towards improving the vitality of the centre as a whole.

- e) the proposal will help to improve the accessibility of the centre for all transport modes.

The proposal is accessible by public transport and it is served by a number of main bus routes. Much of the trade will be from local residents who may walk or cycle to the store.

Conclusion

The principle of an 'edge of centre' retail development has been established on this site and satisfies the criteria of the Local Plan. The design of the foodstore will be assessed below.

The North West Portobello Development Brief

The principle of a mixed use development on this site is supported in the North West Portobello Development Brief. However, while there is support for the regeneration of this part of Portobello, consideration is also required for the different land uses to determine conformity or otherwise with the brief.

Housing

The quantum of housing for the application site is not restricted or limited in the Development Brief. This was to allow for flexibility within the site as it is important that the housing provision reflects both the needs of Portobello and the wider Edinburgh area. Specifically, the development must satisfy both local and city wide needs with regard to residential development and also reinforce the role of the seafront.

In relation to this proposal, the indicative plans show that the proposed flats on the Fishwives Causeway frontage relate to that of the existing stone tenements on the corner of Fishwives Causeway, as well as the older tenements along the High Street. The colony units provide a relatively high density of 101 units per hectare, whilst providing family units with private garden ground. This approach is supported in principle by the Brief.

In addition, the application site is located within walking distance of Portobello town centre and, in such locations, a relatively high density is in line with policy Hou 4 of the Edinburgh City Local Plan, which supports higher densities in accessible locations which have good access to town centres and public transport.

In terms of the housing mix, the Brief requires a variety of housing types and sizes. This aspect of the Brief is fulfilled in the planning application, where there is a mix of house types, ranging from 1 bedroom flats to 2/3 bedroom colony houses. In addition, the Brief recognises a need to maximise Portobello's character and assets, and hence required a higher concentration of units more suited to family use, which is being provided.

In summary, the scale of this development will contribute towards creating a cohesive and sustainable community by enhancing the viability and vitality of local shops, community facilities and bus routes and therefore will contribute towards a more vibrant area. The scale and mix of housing is acceptable although the details will be submitted in further applications.

Retail

The Brief is explicit in terms of its position on new retail provision on this site by emphasising that *other than a possible purely local 'corner shop' facility within the development... no new retail provision is envisaged within the area.* Therefore, this proposal does not conform to this part of the Brief.

However, as noted above, the principle of retail provision at edge of centre locations can be supported in principle where there is compliance with relevant policies in the development plan. In addition, this site is an important gateway into Portobello and the current appearance of the site is not aesthetically attractive. In assessing this application, it is important to give sufficient weight to the Brief whilst also taking into account the development plan, previous application and appeal decisions and the desire to redevelop this site to enhance the gateway into the town. Therefore, while the retail element of the proposal is not supported by the Brief, there are over-riding material considerations as noted above that support the retail proposals on this site.

Open Space

The Brief provides the structure for the public open space in the form of a main central park, which can be extended into a linear public park linking the north and south Baileyfield sites over Fishwives Causeway. This development conforms to the brief in that it provides a park on this site, albeit on a considerably smaller scale than the aspirations of the Brief. However, when the Brief was approved, it was anticipated that there would be a larger proportion of flatted properties on this site, which would benefit from having a large central park. In this proposal, there are a mix of flats and colonies which have private garden ground and hence there is less of a need to provide a central park at a size shown in the Brief.

Conclusion

Overall, it is concluded that the proposal meets with the requirements of the development plan and although the retail element does not conform to the North West Portobello Development Brief, it is acceptable.

(b) The Scale and Design of the Proposals

Residential

In terms of the scale of the residential units, the proposed three and four storey flatted properties along Fishwives Causeway are appropriate in terms of height and massing and provide a robust edge to the site. They are comparable in scale to the existing tenemental properties on the corner of Fishwives Causeway and will not appear incongruous in the streetscape. Similarly, the proposed four storey retirement apartments on the northern end of the High Street provide a development that is appropriate in terms of the surrounding streetscape and form a strong edge to the site.

The colony housing makes up the inner area of the site and comprises three storey terraced housing. The form of the colonies allows for the stacking of duplex flats over ground floor flats, in an urban model that is appropriate for families as it gives every dwelling front door access and an area of private outdoor space. It also allows for a relatively high density to be achieved, which is in accordance with the Brief and policy Hou 4 of the local plan.

The applicants have submitted daylight and sunlight models that show that there will not be a significant loss of sunlight or daylight to existing neighbouring properties, however further detailed studies will be submitted in subsequent applications.

As this application is for planning permission in principle, the final design of the residential units, including the retirement apartments, will be determined in further applications.

Retail unit

The orientation of the building provides an active shop frontage facing onto Portobello High Street. The building is positioned on a similar building line to the adjacent Kwik Fit, although closer to the main high street. This ensures the maximum distance can be maintained between the proposed foodstore and the new housing behind, allowing both residential and retail uses to exist without loss of amenity to the residential properties. This building line also provides a strong frontage onto the High Street at this end of Portobello. The service area and warehouse are located to the southern site boundary and are fully screened from the proposed new housing by structured landscaping.

Pedestrian and cycle access is also provided directly from Portobello High Street and this helps to provide a visual connection with the town centre and ensures that there are sufficient and appropriate links in and out of the site. This helps to integrate the development with the wider community and, combined with a good provision of bus services in the area, the need for private transport will be reduced.

The foodstore is proposed to be single storey and although this is not typical of the High Street, the applicant has demonstrated that the unit can sit comfortably in this location through the use of structural landscaping and public art work along the frontage. These measures help to aid the visual transition between the four storey retirement apartments and the foodstore along the frontage. The public art also helps to create a unique appearance to the site which will help to link the foodstore into the town.

With regards to the layout of the car park, policy TRA 6 (Design of Off-Street Car and Cycle Parking) of the local plan states that surface car parks should not be located in front of buildings where the building would otherwise create an active frontage onto a public space or street. In assessing the proposed foodstore and car park layout against this policy, it is acknowledged that an effort has been made to create an active frontage by siting the front of the foodstore onto the High Street. While the parking sits to the side of the foodstore, an area of public realm has been formed along the High Street in front of the car park and includes a seating area with trees and landscaping. In design terms, this will provide activity to the car park frontage through public realm and is acceptable.

The Urban Design Panel

The application was presented to the Urban Design Panel. The Panel identified that Portobello High Street is an important frontage and the siting of the car park for the food store on this edge raised concerns with respect to the break it forms in the high street frontage and the loss of active frontage on this important route into Portobello.

In developing the design, the Panel supported the following aspects of it and therefore advocated that these should remain in the proposals:

- The joint working between the two land owners and development of a masterplan for the site.
- The proposed housing mix, tenure and typology (with respect to the colonies).
- The use of brick.
- The Panel made several recommendations in relation to the proposals. These included:
 - Having an appropriate frontage and activity to Portobello High Street;
 - Revisions to the proposed location of the food store and carpark;
 - Permeability through the site;
 - Consideration should be given to the layout and design of the residential units on Fishwives Causeway, and;
 - The daylight, sunlight and microclimate analysis with respect to the open spaces and residential units.

The applicants have taken these comments into account in the finalised design for the foodstore and car park, although it is acknowledged that the continual frontage along the High Street is not provided due to the car park.

However, the design incorporates other aspects of the Panel's recommendations including moving the entrance onto the High Street frontage, increasing permeability through the site through the use of two accesses, and providing specific footpath links through the site onto the High Street. Sunlight and daylight analysis will be submitted in future applications. The final layout and design of the residential units on Fishwives Causeway will also be a matter for a future application, although the continual frontage is supported in principle.

Overall, the applicants have incorporated the Panel's comments in developing this proposal. It is acknowledged that the car park presents a break in the frontage along the High Street. The use of public realm will help to create interest and activity. Further design details for the residential units will be submitted with future applications.

(c) Amenity for Existing and New Residents

There are existing residential properties (Baileyfield Cottages) along the western boundary of the Baileyfield site on Baileyfield Road. Although these cottages are outwith the application site, they form an important boundary edge and there are new residential properties proposed in the large gap between the cottages. The final location and design of the new residential properties will be subject of a further application, however it will be expected that any new residential development will not have a detrimental impact on the amenity of the current occupiers of the cottages, including privacy or overshadowing.

Other existing residential properties lie to the northeast of the site off Westbank Street and comprise a modern development of 2-4 storeys in height. Due to the layout of the application site the only potential impact arising is from the retirement apartments. However, since the distance between the existing and new housing is 40 metres, and the orientation of the new development is on a northeast facing aspect, there will be no detrimental impacts on privacy or sunlight/daylight.

In terms of future occupiers, there is sufficient distance between properties to allow for adequate levels of sunlight and daylight. The houses have private gardens and the flats have shared amenity space, as well as there being open space throughout the site. The levels of amenity for future occupiers has been assessed and is acceptable.

In terms of future occupiers, the final design and details of sunlight and daylight will be submitted for consideration in future applications.

With regards to potential impacts on amenity as a result of noise, an acoustic report was submitted with the application which identified two sources of potential noise disturbance on amenity. The results indicate that the site is subject to background noise of traffic movement and industrial activities.

An assessment of the proposed foodstore was made with respect to the fixed plant and store activities on both the existing and proposed residential properties. The outcome of the analysis indicates that the foodstore activities will not have a detrimental impact on the existing amenity of the nearby residents on Westbank Place. Consideration was also given to the proximity of the new residents on the activities and plant associated with the foodstore and it was found that the noise arising from these operations would be within acceptable levels for both daytime and nighttime operational periods.

An assessment of the traffic noise on the new residential units has also been made. In order to be within acceptable limits, traffic noise is proposed to be mitigated through the use of suitable glazing on the residential units.

Overall, although the character of the site will change, the amenity of existing neighbours has been assessed and there will be no impact on privacy, noise, overlooking or overshadowing of existing properties. There is also adequate amounts of sunlight/daylight for future occupiers of the site and wider amenity benefits of having development on this site.

(d) Access and Parking

Access

The main point of vehicular access for the foodstore car park, retirement flats and some colonies is via the High Street. The secondary access is proposed off Fishwives Causeway and serves the flats and the colonies on the southern part of the site. Transport has no objections to this arrangement, although advised that all accesses must be open for use by the public in terms of the statutory definition of 'road' and will require to be the subject of applications for road construction consent (RCC). The applicant will require to ensure that the internal layout of the development is designed in accordance with Designing Streets and Quality Audits will be required.

Overall, Transport has no objections to the proposed access.

With regards to other transport measures, and to alleviate the pressure on existing road infrastructure, the developer will be required to enter into a legal agreement to contribute the necessary sums or carry out works in respect of local transport improvements. These improvements include:

- Provision of two bays for car club and vehicles as appropriate within or in the vicinity of the development;
- Provision of a remote monitoring unit to the toucan crossing on Sir Harry Lauder Road adjacent to the development;
- Provision of a remote monitoring unit to the puffin crossing on Portobello High Street adjacent to the development; and
- A financial contribution to transport promotion measures, including contributions to or provision of public transport season tickets and the provision of a public and sustainable transport information pack, in order to help embed public transport habits and encourage modal shift.

Parking

With regards to the flats and colony units, minimum car parking provision of 1 space per dwelling is required and this equates to 126. The applicant proposes to provide 126 residential parking spaces and this is acceptable. Based on the Council's current parking standards for affordable housing, a minimum car parking provision of 0.1 space per dwelling is required and this equates to 5 spaces in total (there is no maximum).

The applicant proposes to provide 11 spaces and therefore this is acceptable. Lastly, the Council's parking standards for retirement properties is a minimum car parking provision of 0.25 spaces per property and this equates to 10 spaces. The applicant proposes to provide 21 spaces and this is acceptable.

Therefore, overall for the residential element of the development the applicant proposes to provide more parking spaces than the minimum requirement, however there is no maximum requirement in this zone and the applicant is not considered to be proposing an unreasonable number of spaces.

With regards to the parking provision at the foodstore, based on the Council's current parking standards, there would be a requirement to provide a maximum of 47 spaces. However, the applicant proposes to provide 98 spaces and while Transport has indicated that it has no objections to this, policy TRA 4 (Private Car Parking) states that planning permission will be granted for development where the car parking provision complies with and does not exceed the parking levels set out in supplementary planning guidance. The proposal to provide 98 spaces is therefore contrary to this policy.

The applicant has provided justification for the amount of parking proposed and indicated that this number of spaces is required to reflect the operational requirements of the foodstore and proposes that their management system would allow the spaces to be used for visitors to the adjacent retail facilities in Portobello. Transport have no objections to this approach.

While the amount of parking is contrary to policy, it is acknowledged that these spaces could be used to alleviate visitor parking pressures for the residential development, where there would be a desire to minimise on-street parking. The additional parking spaces could also alleviate parking pressures in the town centre, given the close proximity, and may allow for linked trips.

Overall, it is noted that the number of spaces proposed for the foodstore car park is contrary to policy, however, on balance, the design and landscaping of the car park and potential for it to be utilised for other uses allows it to be acceptable in this instance. Other transport, access and parking arrangements are acceptable for this site.

(e) Flood Risk, Drainage and SUDS

Flood Risk

The site is approximately 350 metres south-west of the shoreline of the Forth Estuary where the Figgate Burn discharges to the Forth. The Figgate Burn passes within 100 metres of the south-eastern corner of the application site. The SEPA Flood Map indicates that the application site is outwith the functional floodplain of the Figgate Burn and outwith the 0.5% AEP (1:200) coastal risk area. The map indicates the potential for a small area of the site to be at a risk from surface water.

A stage 1 flood risk assessment (FRA) has been undertaken to identify any potential flood risk issues on the site. The watercourse next to the site is known as the Figgate Burn.

The FRA provides a description of the Figgate Burn in its lower reaches close to the site. The flood prevention scheme consists of a culverted bypass channel and screen in Rosefield Park which conveys floodwater over a distance of approximately 240 metres before it discharges back into the natural channel beneath the car park at the north end of Adelphi Place.

The FRA for the application site reports the results of the modelling studies for the nearby Bypass Culvert, Rosefield Park footbridge and the outfall from the culvert beneath the Portobello High Street. It states that the estimated 0.5% AEP (1:200) flood levels, including an allowance for climate change impacts, are 8.04 mAOD, 9.15 mAOD and 6.02 mAOD respectively. These are well below the minimum level of 10.0 mAOD of the application site. Therefore there is not a significant risk of flooding to the application site from the Figgate Burn.

The Coastal Flood Boundary estimate of the 0.5% AEP (1:200) coastal flood level in the Forth Estuary at this location is 3.97 mAOD. This is significantly below the existing ground levels of the application site. Therefore there is not a risk of flooding to the application site from coastal flooding.

The SEPA Flood Map indicates a small area of pluvial flood risk on the application site. SUDS will be used on the site to treat and attenuate the surface water run-off from the new development and further details of this will be submitted in subsequent applications.

Therefore, the site is not at risk from flooding from pluvial or fluvial sources.

Drainage and SUDS

The applicant has demonstrated that there is adequate space within the site for SUDS but they have not confirmed in detail how this will be achieved. However, in principle, the drainage strategy is acceptable. While the retail element (Phase 1) of the proposal has been accompanied by a more detailed submission it has still not been confirmed in detail, neither for the whole application site or this detailed element of the proposal, how the required levels of surface water treatment will be provided. In addition, the final discharge of the runoff has yet to be determined and this will be submitted at the detailed design stage, where a detailed SUDS strategy will be required to comprehensively address the outstanding issues in relation to the whole of the application site. Therefore, a suitable condition is recommended in this regard.

Overall, the site is not at risk of flooding and further details of drainage and SUDS will be submitted in subsequent applications.

(f) Sustainability

Although this application is for planning permission in principle, the applicant has submitted a Sustainability Statement relating to the foodstore, which confirms that the following sustainability criteria have been achieved:

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

In addition to the essential criteria, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections, including the use of sustainable timber and low/zero carbon technologies.

With regards to the residential element of the proposals, further details of the sustainability of the housing will be required to be submitted in further detailed applications.

The sustainability measures are therefore acceptable at this stage.

(g) Other Material Issues

Education

The estimated pupil generation based on the pupil generation ratios in the Education Infrastructure Appraisal (EIA) prepared in line with the second proposed Local Development Plan (LDP) indicate this development would generate the number of pupils in the table below.

Catchment School Predicted Pupil Generation

Towerbank PS	20
Portobello HS	11
St John's RC PS	3
Holy Rood RC HS	2

This site is not identified in the second proposed Local Development Plan or within any of the contribution zones in the associated Action Programme. However, as part of the process of considering development, Children and Families are required to determine the Education Infrastructure implications of this development. There are no requirements for secondary schools or RC primary as the existing infrastructure is sufficient to accommodate the estimated pupil generation. However, the catchment ND primary school and the neighbouring primary school which shares a catchment boundary with the development site are operating at or beyond capacity and are projected to continue to do so in the future.

The Education Infrastructure required to address this situation is one additional class room and, while further work will be required (including proposals for a catchment review) to determine the best solution to deliver this requirement, the cost for one additional class room has been determined in the Second Proposed Local Development Plan as £300,000.

A suitable legal agreement is therefore required in this regard.

Archaeology

An Archaeological Evaluation was submitted to support this application. It highlights the fact that the site overlies the former clay pits associated with the Portobello Potteries, dating from the mid-18th century until the second half of the 20th century. Map evidence indicates that this area was used for the extraction of clay from at least middle of the 19th century onwards (though earlier extraction is likely) for the several nationally important Industrial Potteries and Brickworks operating at Portobello. Access to the clay workings was via a tunnel which ran underneath the present High Street to the works buildings on the northern side of the road. This structure is still presumed to survive *in situ* beneath the current road. The clay pit was disused by 1908, and the site was in-filled and landscaped around the 1920s to accommodate the construction of a transforming station for the adjacent Portobello Power Station. Archaeological investigations nearby (Adelphi Place: 2009, CFA watching brief on Braid Burn FPS works) have demonstrated that this back-filling and landscaped incorporated large dumps of wasters, kiln furniture and moulds from the potteries and brickworks as well as waste from the Bailyfield Glassworks.

Ground breaking works associated with demolition and construction activities will therefore have significant archaeological impact. Accordingly, it is recommended that a programme of archaeological works is undertaken prior to development. This will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site. The results of this would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected.

A suitable condition is therefore recommended on this regard.

Air Quality

An Air Quality Assessment has been submitted to assess concentrations of air pollutants from traffic at the site of the proposed development and to assess the potential impact from fugitive dust emissions emitted during the construction phase of the development.

The assessment considers emissions from road traffic planned as part of the proposed development at selected sensitive receptors within the site and the surrounding area. This study indicates that the forecast concentrations of particulate matter up to 10 micrometers in size (PM10) across the site and in the surrounding area will comply with the air quality objectives in 2019, with or without the development proposals.

The Council has identified five Air Quality Management Areas (AQMAs) within the city, all of which have been designated as a result of exposure to exceedences of the national air quality objective for nitrogen dioxide (NO₂). The proposed development site does not lie within an AQMA, the closest of which (the Central AQMA) lies approximately 1.6km west of the site.

Forecast concentrations of NO₂ are predicted to meet the annual Air Quality Objective at all assessed receptors with or without the development. The impact from the development is predicted to be negligible in all areas.

The potential for dust to be generated by the construction phase of the proposed development has been assessed qualitatively. The assessment shows that dust emissions are likely to occur from site activities, with the potential to have a short-term, temporary, moderate impact on the surrounding environment. This impact will be reduced to an acceptable level and managed effectively by the use of appropriate mitigation measures. An informative is recommended on this regard.

It is thus concluded that the proposed development is acceptable from an air quality perspective.

Site Contamination

Due to the historic land use, contaminated land will need to be investigated and a condition is recommended to ensure that this is appropriately addressed.

Loss of Artists' Workshops/Studios

The site is partly occupied by the Out of the Blue studios and this is a valued local social/cultural enterprise. Under the current proposals, there is no re-provision of accommodation on site for the studios and CEC Economic Development has been involved in finding an alternative site for the use. Currently, no new premises has been found although a number of churches and empty office buildings have been identified as possible alternative sites and this process is ongoing in discussion with Out of the Blue.

(h) Equalities and Human Rights

An Equalities and Rights Impact Assessment has been carried out. There are no issues of equalities and rights due to the fact that the buildings have been designed to accommodate a wide range of users. The open space on site is also fully accessible. A copy of the full assessment can be viewed on the Planning and Building Standards Online Service.

(i) Representations

A total of 658 letters of representation were received, including 385 letters of objection, 234 in support and 39 letters of general comment. The details are outlined below:

- Impact on local facilities such as schools and doctors' surgeries (assessed in 3.2(g) above);
- Traffic congestion (assessed in 3.2(d) above);
- Impact on the High Street and existing local shops (assessed in 3.2(a) above);
- Lack of green space (assessed in 3.2(a) above);
- Design of the residential development (assessed in 3.2(b) above);
- Impact on amenity by delivery vehicles (assessed in 3.2(c) above);
- Overprovision of foodstores in the area (assessed in 3.2(a) above);
- Air pollution (assessed in 3.2(g) above);

- Design of the foodstore (assessed in 3.2(b) above);
- The loss of the artists' studios (assessed in 3.2(g) above);
- The development lacks sustainability (assessed in 3.2(f) above);
- Non-conformance with the North West Portobello Development Brief (assessed in 3.2(a) above); and
- Over-provision of car parking spaces for the foodstore (assessed in 3.2(d) above).

Comments in Support of the Application

- Provision of housing, particularly retirement and affordable housing.
- Enhanced shopping choice.
- Design of the residential proposals.
- Design of the foodstore;
- Local employment opportunities.
- Good public transport links.
- Provision of foodstore.
- Development on brownfield land.

General Comments

- Play provision should be included in the proposals.
- Local artists' workshops should be retained in Portobello.
- Public art should be included.
- Cycle storage should be provided.

Portobello Community Council responded that their consultation exercise indicated around 50% support for the proposals, 40% opposition, with 10% neutral. The Community Council commented that despite the high levels of support for the proposals, there was concern regarding the potential impacts of the development on traffic, local infrastructure and services, the effect on local shops and the vitality of the High Street. There was also concern regarding the loss of the music and artists' studios.

These comments have all been taken into account in the assessment of the application.

Conclusion

The proposal constitutes the redevelopment of a brownfield site within the urban area for residential and retail uses and this is in accordance with the aims of the development plan. Although the retail element does not accord with the North West Portobello Development Brief, there are overriding considerations which allow acceptability of the proposals. Issues of height, design and location of the proposed housing will be subject to further planning applications for the approval of matters specified in conditions, as will parking, landscaping and sustainability.

Issues of residential amenity for existing properties have been considered and the impact of the development is found to be acceptable.

There are no material considerations that outweigh this conclusion and it is recommended that the application be granted subject to conditions relating to the submission of further applications for matters specified in the conditions.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. For the avoidance of doubt, Phase 1 shall comprise the retail development and is restricted to the areas of land coloured red and shall not exceed a gross floor area of 1760 square meters with a total sales area of 1254 square metres and Phases 2 and 3 shall comprise the residential development, all as shown on drawing PPP04.

2. Retail Foodstore - Phase 1

Prior to the commencement of works on site, details of the undernoted matters shall be submitted and approved by the Head of Planning and Building Standards, in the form of a detailed layout of that phase of the site and include detailed plans, sections and elevations of the buildings and all other structures.

Approval of Matters:

- (a) Design and configuration of public realm and open spaces, all external materials and finishes;
- (b) Detailed cycle parking, road alignments and servicing areas;
- (c) Waste management and recycling facilities;
- (d) Sustainability details, including a surface water management strategy;
- (e) Footpaths and cycle routes;
- (f) Hard and soft landscaping details, including:
 - (i) Walls, fences, gates and any other boundary treatments;
 - (ii) The location and schedule of new trees, shrubs and hedges to comprise species, plant size and proposed number/density;
 - (iii) Programme of completion and subsequent maintenance;
 - (iv) Existing and proposed services such as cables, pipelines, substations;
 - (v) Other artefacts and structures such as street furniture, including lighting columns and fittings;
 - (vi) Details of phasing of these works;
- (g) Cross sections of the site and existing and finished ground levels in relation to Ordnance Datum.

3. Retirement/Residential - Phases 2 and 3

Prior to the commencement of works on site, details of the undernoted matters shall be submitted and approved by the Head of Planning and Building Standards, in the form of a detailed layout of that phase of the site and include detailed plans, sections and elevations of the buildings and all other structures.

Approval of Matters:

- (a) Phasing details for the sites to be part of the first approval of matters specified in conditions submission;
 - (b) Siting, design and height of development, including design of all external features, glazing specifications, and materials;
 - (c) Design and configuration of public and open spaces, all external materials and finishes;
 - (d) Car and cycle parking, access, road layouts and alignment, classification of streets and servicing areas;
 - (e) The precise number of residential units to be developed within the site;
 - (f) Waste management and recycling facilities;
 - (g) Sustainability details, including a surface water management strategy;
 - (h) Footpaths and cycle routes;
 - (j) Hard and soft landscaping details, including:
 - (i) Walls, fences, gates and any other boundary treatments;
 - (ii) The location of new trees, shrubs and hedges
 - (iii) A schedule of plants to comprise species, plant size and proposed number/density;
 - (iv) Programme of completion and subsequent maintenance;
 - (v) Existing and proposed services such as cables, pipelines, substations;
 - (vi) Other artefacts and structures such as street furniture, including lighting columns and fittings, and play equipment;
 - (vii) Details of phasing of these works;
 - (j) Cross sections of the site and existing and finished ground levels in relation to Ordnance Datum.
4. For each phase of the development and prior to the commencement of any works on that phase, a SUDS scheme, detailing 2 levels of treatment, and separate drainage strategy document shall be submitted for the written approval of the Head of Planning and Building Standards, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.

5. For each phase of the development, no development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Excavation, reporting and analysis, public engagement, publication, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Head of Planning and Building Standards, for that particular phase.
6. For each phase of the development, the approved landscaping scheme shall be fully implemented within six months of the completion of that phase of development, and thereafter shall be maintained by the applicants and/or their successors; 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. For the residential phase of the development, no development shall take place until a scheme for protecting the residential development hereby approved from noise from the proposed food store has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed before any part of the development is occupied.
8. For the phases of the residential development, no development shall take place until a scheme for protecting the residential development from noise arising from the existing commercial, industrial, entertainment and transport noise has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning before any part of the development is occupied.
9. Prior to the commencement of construction works on site for each particular phase:
 - a) A site survey for that phase (including intrusive investigation where necessary) must be carried out to establish , either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - c) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
10. For the avoidance of doubt, this permission relates to drawing numbers 09A, 10, 11, 12, 13A. The details shown on the remaining drawings are indicative only and are covered by the matters specified in conditions 2 and 3 of this permission.

Reasons:-

1. To define the permission.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. To ensure adequate protection of the water environment from surface water run-off.
5. In the interests of cultural heritage.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In the interests of amenity.
8. In the interests of amenity.
9. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
10. To define the permission.

Informatives

It should be noted that:

1. The following information shall be supplied in the drainage strategy as required under condition 3:
 - a. Examination of current and historic drainage patterns within or adjacent to the site, including manmade features such as agricultural drainage and culverted watercourses.
 - b. Confirmation from the water authority of sufficient capacity within the sewer network to accommodate waste and surface water drainage from the development of a statement from the water authority of sewerage system constraints.
 - c. An indication of the types of SUDS or other drainage systems to be used. Please include labels to describe different SUDS shown at different locations.
 - d. Pre and post development runoff calculations to provide an indication of surface water drainage requirements, treatment and storage solutions. This should be based on the 1 in 200 year rainfall event, including a maximum discharge from SUDS storage limited to 4.5 l/s/ha, or the 2 year Greenfield runoff rate (whichever is lower) from the impermeable areas within the site boundary only. It is understood that a final design for the

full proposed development is unlikely to be available at this time and therefore CEC will look for a reasonable, conservative estimate of impermeable area to ensure a conservative discharge from the system is used to determine the required storage. CEC require that the 1 in 200 year event is attenuated.

The discharge rate must be limited to the Greenfield rate of the impermeable area of the site as the discharge is to a watercourse. This will be to the betterment of an area which the SEPA flood map shows to be partially at risk of pluvial flooding. Please update the calculations as required which will allow an estimation of detention volumes to be provided. Please provide all calculations e.g. MicroDrainage outputs to corroborate the report.

- e. Estimates of land required for SUDS and storage solutions and their locations based on detention volumes as calculated based on comments above.
- f. Consideration of surface water runoff and assessment of flood flow routes for events that exceed the capacity of the constructed drainage system. Exceedence flows should be towards detention basins. Emergency flood routes through the site should inform the final layout of the proposed development.
- g. Location and proximity of receiving storage solutions and watercourses must be confirmed. This should include confirm discharge points. Given there is an existing connection to the surface water sewer network adjacent to the eastern corner of the development site CEC recommend it is used for the surface water drainage system. The site topography is such that existing runoff patterns will flow in this direction and therefore it seems to be the appropriate option. CEC discourages connection to the combined sewer network due to capacity, flooding and environmental issues.

2.The Transportation requirements are:

- a. 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;
- b. The internal layout of the development should be designed in accordance with Designing Streets and Quality Audits will be required. Note that Designing Streets states that a Stage 2 Quality Audit should be provided as part of the detailed planning application;
- c. All footways to be a minimum of 2m wide, where footways are adjacent to 'end on' parking they should be 2.5m to accommodate vehicle overhang;

- d. A Stage 2 (Detailed Design) Road Safety Audit is required in support of the application for Road Construction Consent. Subsequent stage 3 and stage 4 Road Safety Audits are to be carried out prior to adoption and/or return of the Road Bond. Any recommendations contained within the reports to be carried out at no cost to the Council. All audits required to be carried out by parties independent of the roads design team by qualified auditors to be approved in advance by the Head of Transport;
 - e. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
 - f. Traffic calming to the satisfaction of the Head of Transport to be installed on Baileyfield Road;
 - g. Swept Path Analysis to be carried out for all movements & turning manoeuvres;
 - h. Details and maintenance schedule for SUDs;
 - i. Discussions on suitable road materials will be required at an early stage;
 - j. The provision, layout, location and number of cycle parking should be to the Council's standards in accordance with Cycle Friendly Design Guide;
 - k. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport;
 - l. The applicant should be aware that new road names will be required for this development and they should be asked to discuss this with the Council's Street Naming and Numbering Team at an early opportunity. Street naming is likely to influence the progression of traffic regulation orders.
3. Consent should not be issued until the developer has entered into a suitable legal agreement to contribute towards:

Transport

The necessary sums shall be provided or works carried out at no cost to the Council to the satisfaction of the Head of Transport as detailed below in respect of local transport improvements: Approximate costs indicated with prices to be confirmed at time of drafting legal agreement:-

- a. Provision of 2 bays for car club and vehicles as appropriate within or in the vicinity of the development (£18,000). Supporting Local Transport Strategy Cars2;
- b. £3,000 to cover the Council's processing costs associated with the amendment of the Traffic Regulation Order required to accommodate this development;
- c. Provision of a remote monitoring unit (£3,000) to the toucan crossing on Sir Harry Lauder Road adjacent to the development. Supporting Local Transport Strategy Streets 1;
- d. Provision of a remote monitoring unit (£3,000) to the puffin crossing on Portobello High Street adjacent to the development. Supporting Local Transport Strategy Streets, and;
- e. A financial contribution to transport promotion measures, including contributions to or provision of public transport season tickets. The provision of a public and sustainable transport information pack, in order to help embed public transport habits and encourage modal shift.

Education

The Education Infrastructure required to address this situation is one additional class room and while further work will be required (perhaps including proposals for catchment review) to determine the best solution to deliver this requirement the cost for one additional class room have been determined in the second proposed Local Development Plan as £300,000. This cost is based on Q1 2014 and payment of contributions should be index linked to the BICS All in Tender Price Index from April 2014. The costs do not include land costs (should these be required); abnormalities or any site specific costs (e.g. remediation requirements, external infrastructure requirements).

4.
 - a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
 - b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

5. 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.
6. 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.

7. **Environmental Issues**

The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. The DC charge should be delivered via both JEVs G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993

Construction Mitigation

- a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
- b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
- c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
- d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
- e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

- f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
- g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
- h) No bonfires shall be permitted.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice was submitted and registered on 29 May 2014. Copies of the Notice were also issued to:

- Portobello Community Council and Northfield and Willowbrae Community Council, and;
- Ward Councillors.
- Community consultation events were held throughout June 2014.
- The applicants also carried out the following consultations:
- An introductory meeting was held with Towerbank Playspace Group to understand their plans and aspirations;

- Sheila Gilmore MP requested a briefing on the development proposals. On 4th July 2014 the applicants held a presentation of the proposals as presented at the public event and gave an update on initial feedback received, and;
- The applicants introduced Rob Hoon from the Out of the Blue Art & Education Trust to Lindsey Sibbald, Director of Economic Development at City of Edinburgh Council to explore possible alternative accommodation for the existing artists' studios.

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 Services.

In addition, Portobello Community Council carried out extensive community consultation, aided partly by funding from the developers. The Community Council's consultation response and methods of consultation is available to view on the Planning and Building Standards Online Services.

A pre-application report on the proposals was presented to the Committee on 13 August 2014. The Committee noted the key issues at this stage and requested that further information should be provided on:

- how the housing and foodstore are provided for elsewhere in the locality; and
- the impact of the proposals on the existing cottages.

The proposals were submitted to the Urban Design Panel on 25 June 2014. Full details of the response can be found in the Consultations section.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 3 October 2014 and a total of 658 letters of representation were received. Of this number, 385 letters expressed objections to the proposals and 234 supported the proposals. There were also 39 letters of general comment.

Material Objections

- Impact on local facilities such as schools and doctors' surgeries;
- Traffic congestion;
- Impact on the High Street and existing local shops;
- Lack of green space;
- Design of the residential development;
- Impact on amenity by delivery vehicles;
- Overprovision of foodstores in the area;
- Air pollution;
- Design of the foodstore;
- The loss of the artists' studios;
- The development lacks sustainability;
- Non-conformance with the North West Portobello Development Brief;
- Over-provision of car parking spaces for the foodstore;

Comments in Support of the Application

- Provision of housing, particularly retirement and affordable housing;
- Enhanced shopping choice;
- Design of the residential proposals;
- Design of the foodstore;
- Local employment opportunities;
- Good public transport links;
- Provision of foodstore;
- Development on brownfield land;

General Comments

- Play provision should be included in the proposals;
- Local artists' workshops should be retained in Portobello;
- Public art should be included;
- Cycle storage should be provided;

Portobello Community Council responded that their consultation exercise indicated around 50% support for the proposals, 40% opposition, with 10% neutral. The Community Council commented that despite the high levels of support for the proposals, there was concern regarding the potential impacts of the development on traffic, local infrastructure and services, the effect on local shops and the vitality of the High Street. There was also concern regarding the loss of the music and artists' studios.

An assessment of these representations can be found in the Assessment section of the report.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is within the Urban Area in the Edinburgh City Local Plan where general housing and retail policies apply.

The site is also part of the North West Portobello Development Brief 2008.

Date registered

12 September 2014

Drawing numbers/Scheme

01A-09A 10-15,

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Lesley Carus, Senior planning officer

E-mail:lesley.carus@edinburgh.gov.uk Tel:0131 529 3770

Links - Policies

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

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 Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

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

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Os 3 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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 Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Ret 2 (Town Centres) sets criteria for assessing retail development in or on the edge of town centres.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

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

Other Relevant policy guidance

National Policy Designing Streets: This document sets out government aspirations for street design and the role of the planning system in delivering this as part of a wider agenda to improve urban design and placemaking generally.

Non-statutory guidelines 'ART IN PUBLIC PLACES' set out good practice to ensure that contemporary art works match the quality of the past, and enhance and contribute to the environment.

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.

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 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.

Appendix 1

Application for Planning Permission in Principle 14/03736/PPP

**At Site 100 Metres West Of 17-21, Portobello High Street,
Edinburgh**

**Demolition of buildings and development for residential,
retail, sui generis and retirement apartments, detailed
matters for retail store (siting, design, access and
landscaping) detailed matters of residential (max no. of
heights of units, layout and points of vehicular/pedestrian
access and egress).**

Consultations

Archaeology comment

As mentioned in AOC's submitted Evaluation WSI supporting this application, the site overlies the former clay pits associated with the important Portobello Potteries, dating from the mid-18th century until the second half of the 20th century. Map evidence indicates that this area was used for the extraction of clay from at least middle of the 19th century onwards (though earlier extraction is likely) for the several nationally important Industrial Potteries and Brickworks operating at Portobello including amongst others; Westbank Brick and Tile works, Abercorn Brick & Tile Works, the 19th century stoneware Toughs Pottery and Buchan's Pottery.

Access to the clay workings was via a tunnel which ran underneath the present High Street to the works buildings on the northern side of the road. This structure is still presumed to survive insitu beneath the current road. The clay pit was disused by 1908, and the site was in-filled and landscaped around the 1920s to accommodate the construction of a transforming station for the adjacent Portobello Power Station. Archaeological investigations nearby (Adelphi Place: 2009, CFA watching brief on Braid Burn FPS works) have demonstrated that this back-filling and landscaped incorporated large dumps of wasters, kiln furniture and moulds from the potteries and brickworks as well as waste from the Bailyfield Glassworks.

The site clearly contains significant archaeological remains and this application must be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN2/2011 and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan policies ENV8 & 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.

Buried Archaeology

Although the area has been affected by modern development, archaeological deposits in terms of deep and extensive dumps of pottery from the nearby (nationally significant) 18th-20th century potteries and glass works are expected to occur across the area. In addition remains of buildings, structures (including the under-road tunnel) associated with these works may also survive. Such material provides a nationally important resource in helping our understanding of the history and product development associated with these important industries at Portobello.

Ground breaking works associated with demolition and construction activities will therefore have significant archaeological impact. Accordingly it is recommended that a programme of archaeological works is undertaken prior to development. In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected.

Archaeological Public Engagement

Further given the potential importance of these remains in terms of the history of Portobello and Scotland industrial potteries it is considered important that the programme of archaeological works contain a programme of public/community engagement. The scope of this public engagement will be agreed with CECAS and informed by the results of the evaluation works but could include public lectures, viewing points, temporary interpretation boards etc.

It is recommended that these programme of works be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

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

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation (WSI) 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.

It should be noted that the WSI produced by AOC Archaeology Group and submitted with this application ONLY covers the requirements for the initial fieldwork element of the evaluation. Depending on the results of this work further detailed mitigation will be the subject of further discussion and agreement.

Economic Development comment

The application is for the demolition of the existing buildings and development of the site for retail, residential and retirement apartments at the old Scottish Power site at Baileyfield. The site amounts to 3.45ha of Brownfield land.

The site has lain undeveloped for circa 15 years with some temporary uses such as artist studios and workshops. The site has a complex planning history and previous applications for supermarkets have been unsuccessful to date. A public consultation was carried out in June 2014 and currently further community engagement initiated by community councillors is being carried out where locals are being asked for their views on the proposed development.

In terms of place making, the development at this gateway site would also allow for further housing provision (around 200 homes with 25 % affordable) in line with the Edinburgh Local Development Plan. Bringing new residents into the area will create vibrancy to deliver an improvement to this high profile, long term disused and unattractive space.

GVA has produced a Planning Policy and Retail Statement for the applicant that assesses the residential and retail uses. It is suggested in this statement that the development will be of benefit to the community in so much as it will improve a site that is currently offering no benefits, 'In its current state, the site can be said to detract significantly from the town's overall attractiveness' (p.5)

The proposed retail store would have a floor space of 1,674 sqm gross, 1,254sqm net.

The most recent vacancy rate survey of Portobello Town Centre (July 2014), indicates a vacancy rate of 5.26%, below the City average for town centre vacancies and significantly below both the Scottish and UK averages.

Portobello Town Centre is home to a robust and varied retail offering with 80% of traders classed as independent (i.e. with less than five outlets). 7% of unit occupants are classified as charity shops, slightly higher than the overall town centre average of 5%.

Although there is already a Costcutter, Scotmid and Sainsbury's Local store in the town, the GVA statement advises that there is a lack of retail offering in the area. The document highlights that Aldi does not have any internal specialist concessions or deli-counters and does not offer:

*A butchery or fishmonger service;
Cigarette or tobacco products;
Pharmaceutical products; or
Most durable goods.*

In economic development terms, driving footfall into Edinburgh's local town centres is important and new housing and an additional retail outlet would attract new residents and customers into the local area.

In August 2014 there were 100 Job Seekers Allowance claimants in Portobello (72 men and 28 women). The Aldi store will provide approximately 100 jobs during the construction phase and on completion 30 new jobs for the supermarket. Aldi supports the Edinburgh Guarantee programme and is a member of the National Apprenticeship Programme which will create two apprentice posts.

There will be further job opportunities created during the Cruden construction phase - between 300 to 350 jobs (professional, direct labour and sub-contractors) and on completion one permanent housing manager for the retirement residential units. Cruden are an Edinburgh based company and committed to supporting local suppliers and the Edinburgh Guarantee initiative.

In summary, the GVA statement deals with concerns such as traffic congestion, displacement, impact on the high street and provided explanations on how the proposed development would mitigate against these and ultimately benefit the local community.

Affordable Housing comment

1. Introduction

We 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

As this application is proposing a development which could accommodate up to 219 residential units, the AHP will apply; 25% of the units will be required to be of approved affordable housing tenures, as those set out in PAN2/2010 and within the Council's Affordable Housing Policy. That would equate to a maximum of 54 affordable housing units being required onsite across this masterplanned area in order to satisfy the requirements of the AHP.

The applicant has demonstrated the intention to build a range of different housing types that can accommodate a mix of households and spectrum of affordability. This is welcomed by the department as we look for a sustainable mix of different house types, sizes and tenures. It is essential that the developer enters an early dialogue with this department as well as RSLs in order to deliver a well integrated and representative mix of affordable housing on site which is tenure blind.

The site will be well serviced and within close proximity to public bus stops on Portobello High Street and this is welcomed by the department.

In summary, this department is supportive of this application and request that the following requirements be included in the informatives section of the report to Committee:

- o 25% of affordable housing is delivered onsite, across at least two locations, which will guard against any concentration of affordable housing being delivered*
- o the developer enters into early dialogue with this department and RSLs to negotiate the delivery of the affordable housing requirement*
- o There will be a representative mix of houses and apartments of approved affordable tenures*
- o The affordable housing will include an integrated variety of house sizes to reflect the provision across the wider site of approved affordable tenures*
- o The applicant enter into a Section 75 legal agreement to secure the affordable housing element of this proposal*

SEPA comment

We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect the City of Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

We would ask that the planning condition in Section 2 be attached to the consent. If this is not applied, then please consider this representation as an objection.

Please also note the advice provided below.

Advice for the Planning Authority

1. Flood Risk

1.1 The site is approximately 350 metres south-west of the shoreline of the Forth Estuary where the Figgate Burn discharges to the Forth. The Figgate Burn passes within 100 metres of the south-eastern corner of the application site.

1.2 The application site extends approximately 2.85 ha and is brownfield. Office buildings in the centre of the site have already been demolished. There remains a number of existing buildings on the site that are associated with the former use of the site by Scottish Power. The site is bounded to the north and east by Portobello High Street, to the west by Baileyfield Road, and to the south by Fishwives' Causeway. The topographic survey shows the site to slope downwards from 16.45 metres Above Ordnance Datum (mAOD) at the south-west boundary to the east, with the lowest point in the south-eastern corner at a level of around 10 mAOD.

1.3 The SEPA Flood Map indicates that the application site is outwith the functional floodplain of the Figgate Burn and outwith the 0.5% AEP (1:200) coastal risk area. The map indicates the potential for a small area of the site to be at a risk from surface water.

1.4 A stage 1 flood risk assessment (FRA) has been undertaken by WSP to identify any potential flood risk issues on the site. The watercourse next to the site is known as the Figgate Burn. About 1.2 kms upstream of the site it is known as the Braid Burn. The Braid/Figgate Burn drains a catchment of 30.4 km² at its closest point to the application site. SEPA operates a flow measurement station on the Braid Burn at Liberton where it drains a catchment of approximately 16.2 km².

1.5 The FRA provides a description of the Figgate Burn in its lower reaches close to the site. The consultant has obtained additional information from the Council, including the output from some hydraulic modelling studies and details of the flood prevention scheme at nearby Rosefield Park and Adelphi Place. The flood prevention scheme consists of a culverted bypass channel and screen in Rosefield Park which conveys floodwater over a distance of approximately 240 metres before it discharges back into the natural channel beneath the car park at the north end of Adelphi Place.

1.6 SEPA Flood Risk Hydrology has not reviewed the Council's hydraulic modelling studies for the Figgate Burn. The FRA for the application site reports the results of the modelling studies for the nearby Bypass Culvert, Rosefield Park footbridge and the outfall from the culvert beneath the Portobello High Street. It states that the estimated 0.5% AEP (1:200) flood levels, including an allowance for climate change impacts, are 8.04 mAOD, 9.15 mAOD and 6.02 mAOD respectively. These are well below the minimum level of 10.0 mAOD of the application site. We are satisfied that there is not a significant risk of flooding to the application site from the Figgate Burn.

1.7 The Coastal Flood Boundary estimate of the 0.5% AEP (1:200) coastal flood level in the Forth Estuary at this location is 3.97 mAOD. This is significantly below the existing ground levels of the application site. We are satisfied that there is not a risk of flooding to the application site from coastal flooding.

1.8 The SEPA Flood Map indicates a small area of pluvial flood risk on the application site. SUDS will be used on the site to treat and attenuate the surface water runoff from the new development. A drainage strategy has been prepared by WSP for the site. Discharge rates for surface water from the site should be agreed with the City of Edinburgh Council. The final design of the overall drainage scheme should be checked to ensure that a 0.5% AEP (1:200) rain storm does not result in an unacceptable risk of flooding to the proposed development or increase the risk of flooding elsewhere.

2. Surface Water Drainage

2.1 We acknowledge the statements made within the supporting Drainage Strategy/Assessment by WSP dated 10 September 2014, in particular paragraph 4.3.4 which states:

"It is proposed to route the post SUDS surface water runoff from the site either into the Scottish Water surface water sewer that routes on Fishwives Causeway and Portobello High Street and discharges into the Figgate Burn beneath Portobello High Street. Alternatively it may be necessary to connect to the Figgate Burn culvert at this location direct. It is also possible that certain parts of the site may have to connect to the adopted combined sewers that are adjacent".

2.2 It should be noted that it is SEPA's preference that surface water is returned to the water environment before consideration of the discharge to the combined sewer is considered. If the applicant decides to discharge the surface water drainage to the combined sewer then this would be a matter for Scottish Water (SW) rather than SEPA.

2.3 It should be noted that SW only accepts surface water into a combined sewer in exceptional circumstances. Removing surface water from the combined sewer is beneficial as it, increase capacity in infrastructure for future development and reduces the risk of pollution events.

2.4 The applicant has demonstrated that there is adequate space within the site for SUDS but they have not confirmed in detail how this will be achieved. We are, in principle, satisfied with the proposed drainage strategy. While we appreciate that that the retail element (Phase 1) of the proposal has been accompanied by a more detailed submission it has still not been confirmed in detail neither for the whole application site or this detailed element of the proposal how they will provide the required levels of surface water treatment.

Furthermore as discussed above the final discharge of the runoff has yet to be determined. We appreciate that this will be provided at the detailed design stage. Therefore we will require the surface water drainage aspect of the scheme to be addressed in detail at the AMC stage. We will expect that the detailed SUDS strategy will comprehensively address the outstanding issues in relation to the whole of the application site, while acknowledging that elements of the proposal will be coming forward in a phased approach. Therefore, we request that a condition is attached to the consent requiring the submission of details of a SUDS scheme. If this is not attached, then please consider this representation as an objection. To assist, the following wording is suggested:

Prior to the commencement of any works, a SUDS scheme, detailing 2 levels of treatment, 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 scheme.

Reason: to ensure adequate protection of the water environment from surface water run-off.

2.5 We have not considered the water quantity aspect of this scheme. Comments from Scottish Water, 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.

Bridges + Flood Prevention comment

Please see queries/issues noted below regarding the above planning application. Responses provided are based on the following documents:

Stage 1 Flood Risk Assessment, Cruden Homes (East) Ltd, 10/09/2014
Drainage Strategy / Assessment, Cruden homes (East) Ltd, 10/09/2014

Flood Risk Assessment

3.1 Fluvial Flooding

It is acknowledged that the proposed development is not at fluvial flood risk from the Braid Burn.

3.2 Pluvial Flooding

The SEPA pluvial flood map indicates an area of ponding water within the site boundary, and on inspection of the existing site topography there is a depression in this area. The drainage strategy for the proposed development should ensure that post development ground levels and the drainage system are designed in such a way as to ensure no ponding occurs around any of the proposed buildings but without increasing flood risk to neighbouring properties..

Tidal / Coastal Flood Risk

No comment on tidal coastal flood risk has been made by the developer. The SEPA coastal flood map shows that the proposed development is located outwith its extent.

Drainage Strategy

As the application is for planning permission in principle the CEC Flood Planning require some overview information regarding the drainage strategy for the site. It is acknowledged that some information is included in Drainage Strategy Document though further information and updates to that presented are required. The following information should be supplied in a succinct drainage strategy document:

- 1. Examination of current and historic drainage patterns within or adjacent to the site, including manmade features such as agricultural drainage and culverted watercourses.
 - o CEC Flood Planning acknowledges this has been undertaken with findings presented in the Stage 1 Flood Risk Assessment.**
- 2. Confirmation from the water authority of sufficient capacity within the sewer network to accommodate waste and surface water drainage from the development of a statement from the water authority of sewerage system constraints.*
- 3. An indication of the types of SUDS or other drainage systems to be used.
 - o CEC Flood Planning acknowledges the location of SUDS has been presented in Appendix C, though this information is not detailed. Please include labels to describe different SUDS shown at different locations.**
- 4. Pre and post development runoff calculations to provide an indication of surface water drainage requirements, treatment and storage solutions. This should be based on the 1 in 200 year rainfall event, including a maximum discharge from SUDS storage limited to 4.5 l/s/ha, or the 2 year Greenfield runoff rate (whichever is lower) from the impermeable areas within the site boundary only. It is understood that a final design for the full proposed development is unlikely to be available at this time and therefore CEC will look for a reasonable, conservative estimate of impermeable area to ensure a*

conservative discharge from the system is used to determine the required storage. CEC require that the 1 in 200 year event is attenuated.

o CEC Flood Planning acknowledges that results of calculations to determine SUDS detention volumes have been presented, though these are based on an assumed site runoff rate which is not compliant with CEC guidance. As stated above the discharge rate must be limited to the Greenfield rate of the impermeable area of the site as the discharge is to a watercourse. This will be to the betterment of an area which the SEPA flood map shows to be partially at risk of pluvial flooding. Please update the calculations as required which will allow an estimation of detention volumes to be provided. Please provide all calculations e.g. MicroDraiage outputs to corroborate the report.

5. Estimates of land required for SUDS and storage solutions and their locations based on detention volumes as calculated based on comments above.

6. Consideration of surface water runoff and assessment of flood flow routes for events that exceed the capacity of the constructed drainage system. Exceedence flows should be towards detention basins. Emergency flood routes through the site should inform the final layout of the proposed development.

7. Location and proximity of receiving storage solutions and watercourses must be confirmed.

o It is noted that discharge points have not been confirmed in the report provided (section 4.3.4). Please confirm discharge points. There is also statement that certain parts of the site may have to connect to the adopted combined sewers that are adjacent. Given there is an existing connection to the surface water sewer network adjacent to the eastern corner of the development site CEC recommend it is used for the surface water drainage system. The site topography is such that existing runoff patterns will flow in this direction and therefore it seems to be the appropriate option. CEC discourages connection to the combined sewer network due to capacity, flooding and environmental issues.

Conditions

In addition to the information provided above, the following conditions should be attached to the development, and discharged through submission of appropriate detailed information, during the process of application for full planning permission.

o Prior to AMC application, a scheme showing full working details of a suitable and practical method of treatment of surface water and attenuation of flow from the site shall be submitted to and approved in writing by the Head of Planning and Strategy. This scheme shall be in accordance with best practice Sustainable Urban Drainage (SUDS) /Sustainable Drainage principles and the Council's Flood Guideline Summary and shall be of no threat to airport safety.

Portobello Community Council comment

To ascertain local views on the proposals we undertook an extensive survey and the results of that are attached in a separate document. As can be seen the exercise enjoyed a high level of response with over 400 individual submissions.

The overall results indicate around 50% support for the proposals, 40% opposition, with 10% neutral. As the balance between support and opposition is reasonably close we feel it more appropriate for the Community Council to comment rather than take a position on the application ourselves. However, we do feel the result accurately reflects more support than opposition to the proposals locally.

Many people welcomed the development of what has been a blighted brownfield site for some time. The housing aspect met with considerable support and many welcomed affordable housing in particular. The specific proposal for an Aldi supermarket also met with more support than opposition, with many welcoming the choice offered by another convenience retailer locally. Many felt the proposals would benefit the area, the supermarket complementing rather than undermining the High Street, with trade likely to be diverted from existing supermarkets rather than independent local traders.

However, the sizeable number of responses in opposition has to be acknowledged, and it should be noted that some concerns raised by objectors were also echoed in the comments of people in support of the proposals. There are widespread concerns about the traffic impacts of such a development. Many concerns were also expressed that the housing would strain local infrastructure and services, in particular regarding the capacity at schools and the effect on doctor's surgeries.

Amongst the many opposed to the supermarket there is concern about the effect on local shops and the vitality of the High Street. A number of respondents were also concerned about the loss of the music and artists' studios and wished to see the accommodation re-provisioned in some way as part of the development. As these are serious concerns we hope they are fully addressed in the evaluation of the planning application.

As part of the survey we invited comments, again attached, and received many varied suggestions for possible improvements to the proposals. As a community, and a Community Council, we clearly wish to see the best possible development on the site with the maximum benefit locally. As such we would welcome further engagement between the developers and the community in an effort to resolve concerns and explore ways the development might be enhanced. Such continued dialogue would be the best way to ensure a high quality design that met local needs and enriched Portobello as a community.

TRANSPORT PLANNING comment 31.10.14

I have no objections to the application subject to the following being included as conditions 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;*
- 2. The internal layout of the development should be designed in accordance with Designing Streets and Quality Audits will be required. Note that Designing Streets states that a Stage 2 Quality Audit should be provided as part of the detailed planning application;*
- 3. All footways to be a minimum of 2m wide, where footways are adjacent to 'end on' parking they should be 2.5m to accommodate vehicle overhang;*

4. A Stage 2 (Detailed Design) Road Safety Audit is required in support of the application for Road Construction Consent. Subsequent stage 3 and stage 4 Road Safety Audits are to be carried out prior to adoption and/or return of the Road Bond. Any recommendations contained within the reports to be carried out at no cost to the Council. All audits required to be carried out by parties independent of the roads design team by qualified auditors to be approved in advance by the Head of Transport;
5. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
6. Traffic calming to the satisfaction of the Head of Transport to be installed on Baileyfield Road;
7. Swept Path Analysis to be carried out for all movements & turning manoeuvres;
8. Details and maintenance schedule for SUDs;
9. Discussions on suitable road materials will be required at an early stage;
10. The provision, layout, location and number of cycle parking should be to the Councils standards in accordance with Cycle Friendly Design Guide

Consent should not be issued until the developer has entered into a suitable legal agreement to contribute the necessary sums or carry out works at no cost to the Council to the satisfaction of the Head of Transport as detailed below in respect of local transport improvements: Approximate costs indicated with prices to be confirmed at time of drafting legal agreement:-

11. Provision of 2 bays for car club and vehicles as appropriate within or in the vicinity of the development (£18,000). Supporting Local Transport Strategy Cars2;
12. £3,000 to cover the Council's processing costs associated with the amendment of the Traffic Regulation Order required to accommodate this development;
13. Provision of a remote monitoring unit (£3,000) to the toucan crossing on Sir Harry Lauder Road adjacent to the development. Supporting Local Transport Strategy Streets 1;
14. Provision of a remote monitoring unit (£3,000) to the puffin crossing on Portobello High Street adjacent to the development. Supporting Local Transport Strategy Streets;
15. A financial contribution to transport promotion measures, including contributions to or provision of public transport season tickets. The provision of a public and sustainable transport information pack, in order to help embed public transport habits and encourage modal shift.

Note:

o Based on the Council's current parking standards the following would be required:

minimum car parking provision for shop over 500m² GFA is GFA per car space 60 this equates to 28, and maximum GFA per car space 35 this equates to 47. However the applicant proposes to provide 98 spaces to reflect Aldi's operational requirements and propose that their management system would allow the spaces to be used for visitors to the adjacent retail facilities in Portobello encouraging linked trips and may also be used by visitors to the residential element of the development;

o Based on the Council's current parking standards the following would be required:

Residential (flats/colonies) minimum car parking provision 1 space per dwelling this equates to 126 and there is no maximum. The applicant proposes to provide 126 residential parking spaces;

o Based on the Council's current parking standards the following would be required:

Residential (affordable) minimum car parking provision 0.1 spaces per dwelling this equates to 5 and there is no maximum. The applicant proposes to provide 11 spaces;

o Based on the Council's current parking standards the following would be required:

Retirement minimum car parking provision 0.25 spaces per property this equates to 10 and there is no maximum. The applicant proposes to provide 21 spaces;

o Therefore overall for the residential element of the development the applicant proposes to provide more parking spaces than the minimum requirement, however there is no maximum requirement in this zone and the applicant is not considered to be proposing an unreasonable number of spaces;

o All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport;

o The applicant should be aware that new road names will be required for this development and they should be asked to discuss this with the Council's Street Naming and Numbering Team at an early opportunity. Street naming is likely to influence the progression of traffic regulation orders.

Location Plan



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