

Development Management Sub Committee

Wednesday 11 February 2015

Application for Planning Permission in Principle 14/02316/PPP

At 139 Craigleith Road, Edinburgh, EH4 2EH
Change of use of petrol filling station to residential (8
houses) (as amended)

Item number	4.4
Report number	
Wards	A05 - Inverleith

Summary

The proposal complies with the development plan and relevant non-statutory guidelines. The principle of residential development on the site is acceptable. Issues of siting, scale, design, parking, access and landscaping will be addressed through the submission of a further application for approval of matters specified in conditions.

Links

[Policies and guidance for this application](#) LPC, CITH1, CITH4, CITE17, NSG, NSGD02,

Report

Application for Planning Permission in Principle 14/02316/PPP

At 139 Craigleith Road, Edinburgh, EH4 2EH Change of use of petrol filling station to residential (8 houses) (as amended)

Recommendations

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

Background

2.1 Site description

The application site comprises an existing petrol filling station located on the northern side of Craigleith Road. The area is predominantly residential in nature with two-storey terraced houses to the north, east and west. Craigleith Road bounds the site immediately to the south with further residential properties beyond. Craigleith Retail Park is situated beyond the residential properties to the north west of the site.

The site is bound on its north and west side by a 1.8 metre high fence, with vegetation and a number of trees partially screening the filling station from the neighbouring properties.

2.2 Site History

27 July 1959 - Planning permission refused for erection of petrol filling station (Ref: 1010/59).

12 September 1960 - Erection of petrol station. Appeal allowed (Ref: 1098/60).

23 March 1988 - Planning permission refused for installation of over ground diesel storage tank (Ref: 2305/87).

11 November 1992 - Planning permission refused for erection of enclosed car wash facility (Ref: A01471/02).

25 November 1992 - Planning permission approved to redevelop petrol filling station (Ref: A2399/91).

15 July 1993 - Erection of enclosed car wash facility. Appeal dismissed (Ref: P/PPA/LA/870).

4 May 1994 - Planning permission refused for erection of enclosed car wash facility (Ref: A02175/93).

31 May 1995 - Erection of enclosed car wash facility. Appeal allowed (Ref: P/PPA/LA/980).

26 November 1997 - Planning permission refused for the installation of a 2 bay jet wash facility (Ref: A01430/97).

6 August 1998 - Planning permission approved for refurbishment of filling station including revision of air/water facilities (Ref: 98/01387/FUL).

22 December 2005 - Planning permission refused for a 1 bay jet wash and vacuum facilities (Ref: 01/03022/FUL).

28 September 2012 - Planning permission refused for the installation of new jet wash machine and 3 sided screen (Ref: 12/02671/FUL).

28 February 2013 - Installation of new jet wash machine and 3 sided screen. Appeal allowed (Ref: PPA-230-2089).

Main report

3.1 Description Of The Proposal

Scheme 2

The application seeks planning permission in principle for a residential development comprising a terrace of eight two-storey units on the site of the existing filling station, which is to be demolished.

It is proposed that vehicular access/egress will be taken from the existing entrance and exit to the site on Craigleith Road. Pedestrian access will also be provided from Craigleith Road.

Although the applicant has provided an indicative layout plan of the developed site, this application is only seeking approval for the principle of residential development on the site.

Supporting Information

A Surface Water Drainage Impact Assessment has been provided in support of the application. The Assessment is available to view on Planning and Building Standards Online Services.

Scheme 1

The initial proposal was for a residential development comprising 10 units on the site, including three accesses to parking areas taken from Craigleith Hill. Following discussions with the applicants, the scheme was amended to reduce the number of dwellings proposed and to delete the formation of accesses from Craigleith Hill.

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 principle of the development is acceptable;
- (b) there would be any adverse risk of flooding as a result of the development and whether the site can be appropriately drained;
- (c) there are any risks in relation to site contamination;
- (d) there are any potential issues in relation to access or road safety;
- (e) there would be any adverse effect on the amenity of neighbouring residents;
- (f) there would be any impact on existing trees;
- (g) representations raise issues to be addressed; and
- (h) the proposal raises any equalities or human rights issues.

(a) Principle

The site lies within the urban area as designated by the Edinburgh City Local Plan and is an established residential neighbourhood. Therefore, the principle of a residential development in this area is accepted. Policy Hou 1 of the Edinburgh City Local Plan allows new housing development on suitable sites within the urban area, provided they are compatible with other policies in the Plan.

(b) Flooding and Drainage

The applicants have submitted a Surface Water Drainage Impact Assessment which demonstrates that there are appropriate drainage systems that can be incorporated into the design of any future development that would satisfactorily accommodate the surface water drainage flow generated by the development and would reduce the risk of local flooding. This information has been assessed by CEC Flood Prevention and they have confirmed that they agree with its conclusions.

Sufficient information has been submitted to assess the potential flood risk and drainage for the site at planning permission in principle stage. However, as this application is only for planning permission in principle, the indicative site layout shown may be subject to change. It is therefore appropriate to reserve these matters for further consideration in conjunction with the detailed layout of the site.

(c) Site Contamination

The current use of the site as a petrol filling station may have resulted in ground contamination from the storage of fuel underground. Environmental Assessment has been consulted and raised no objections to the proposal subject to a condition requiring a site survey to be carried out to establish the level of risk posed, and where necessary, a detailed schedule of any remedial and/or protective measures required.

(d) Access

It is proposed that the development will utilise the existing access/egress points located at the south-east and south-west sections of the site. This will operate as a one-way system with vehicles moving from west to east. A legal agreement is required to ensure a contribution of £2,000 is provided to progress a suitable order for the one-way system and a further contribution of £2,000 to redetermine sections of the footway and carriageway.

Considering its current use as a petrol filling station, it is envisaged that a residential development of the density proposed will lead to a reduction in vehicular movements to and from the site. Transport Planning has been consulted and raised no objections to the proposal.

The level of parking to be provided on the site is a matter reserved for consideration as part of the detailed layout of the site.

(e) Residential Amenity

A layout plan has been submitted proposing a terrace of eight two-storey dwellinghouses. Although this plan is only intended to be indicative at this stage, it demonstrates that eight houses can be accommodated on the site that will provide adequate amenity for future occupiers of the development and without having an adverse impact on neighbouring amenity in terms of daylight, sunlight and privacy.

(f) Trees

The layout plan shows the existing trees which bound part of the site. The application does not propose removing any of the existing trees to accommodate the development, at this stage.

(g) Representations

- Existing flooding and drainage issues may be exacerbated by this development - addressed in section 3.3(b);
- Problems relating to the new accesses to the site created on Craigleith Hill - addressed in section 3.3(d);
- Increase in the volume of traffic - addressed in section 3.3(d);
- Loss of sunlight and privacy to existing properties - addressed in section 3.3(e);
- Loss of trees - addressed in section 3.3(f); and
- More pressure on existing parking - addressed in section 3.3(d).

(h) Equalities and Human Rights

The application is for the principle of development on the site. There are no equalities or human rights impacts at this stage. A further assessment of the potential impact on equalities and human rights will be undertaken when the full details of the proposal is submitted.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Before any work on the site is commenced, details of the undernoted reserved matters shall be submitted to and approved in writing by the planning authority; the submission shall be on the form of a detailed layout of the site (including landscaping and car parking), and detailed plans, sections and elevations of the building/s.

RESERVED MATTERS:

- Siting, scale and design of the building/s, including design of all external features;
 - All external materials and finishes, including glazing specifications;
 - Car parking and access;
 - Hard and soft landscaping details; and
 - Impact upon existing trees.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

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

3. The site layout to be submitted as part of the AMC application required under condition 1 above shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and shall be submitted for the approval of the Head of Planning, and for the avoidance of doubt the scheme shall comply with the Scottish Environmental Protection Agency's (SEPA) principles of Sustainable Urban Drainage Systems (SUDS) and contain a surface water management plan.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. To ensure the site is adequately drained and to prevent pollution of watercourses.

Informatives

It should be noted that:

1. 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; and

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.
2. A Road Construction Consent is required where 3 or more dwellings are proposed. Where less than 3 dwellings are proposed an access may be permitted. The proposed road is therefore clearly a 'road' within the meaning of the Roads (Scotland) Act 1984.
3. In terms of section 21 of the Roads (Scotland) Act 1984, any person other than a Roads Authority who wishes to construct a new road or an extension of an existing road must obtain Construction Consent. Whether or not the road is put forward for adoption is irrelevant. It is also important to note that 'road' includes carriageway, parking areas, verges, footways, and service strips. It is only the Council as Roads Authority which can control parking on a 'road', whether adopted or not. The developer has no powers or rights to control parking, restrict access, sell off or rent part of the 'road'.
4. In this case parking areas adjacent to the Craigleith Road will form part of the 'road' and will be subject to the same Road Construction Consent.

5. The applicant must be informed that the proposed on-street spaces on Craighleith Road 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 extension has been adopted or not. The developer is expected to make this clear to prospective residents.
6. A Traffic Regulation Order would be required to promote a one way system for the access road.
7. The footways should be continuous and access to any car parking areas should be by dropped kerb (i.e. not bell mouth).
8. The proposed development is on the boundary of the Controlled Parking Zones. New residential properties in the central and peripheral Controlled Parking Zone (CPZ), Zones 1 to 8, are not eligible for residents' parking permits. This will apply to the houses that are accessed from Craighleith Hill.
9. Consent should not be issued until the applicant has entered into a suitable legal agreement to:
 - a) Provide a contribution of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as required for the development. The agreement to include provision by the applicant to the council of a redetermination plan to enable the order to be advertised; and
 - b) Provide a contribution of £2,000 to progress a suitable order for a one way system required for the development.
10. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.
11. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured.
12. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification".
See pages 5, 15 & 16 of
www.edinburgh.gov.uk/downloads/file/9579/householder_guidance_2012.
13. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road.
14. Any gate or gates must open inwards onto the property.
15. A scheme for protecting all bedrooms and living rooms of the residential development against road traffic noise should be designed in accordance with BS8233:2014 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' to attain the following internal noise levels:

Bedrooms - 30dB LAeq, T and 45dB LAfmax
Living Rooms - 30 dB LAeq, D

T - Night-time 8 hours between 2300 - 0700
D - Daytime 16 hours between 0700 - 2300

The scheme must be implemented in full, prior to the use being taken up.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application has attracted 14 representations in total, raising the following material concerns:

- Existing flooding and drainage issues may be exacerbated by this development;
- Problems relating to the new accesses to the site created on Craigleith Hill;
- Increase in the volume of traffic;
- Loss of sunlight and privacy to existing properties;
- Loss of trees; and
- More pressure on existing parking.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The application site is identified as being located within an urban area as defined by the Edinburgh City Local Plan.

Date registered

10 June 2014

Drawing numbers/Scheme

01 - 02A,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Alexander Gudgeon, Planning officer

E-mail:alexander.gudgeon@edinburgh.gov.uk Tel:0131 529 6126

Links - Policies

Relevant Policies:**Relevant policies of the Edinburgh City Local Plan.**

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

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

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Relevant Non-Statutory Guidelines

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 14/02316/PPP

At 139 Craigleith Road, Edinburgh, EH4 2EH Change of use of petrol filling station to residential (8 houses) (as amended)

Consultations

Environmental Assessment

The applicant proposes in principle the change of use of an existing motor vehicle filling station to a residential plot with 10 houses. The site is bordered by other residential dwellings to the north, east and west with the Craigleith Road to the south.

Craigleith Road is a busy city centre route and Environmental Assessment has concerns over the potential impact on amenity that traffic noise could have on the proposed dwellings. Environmental Assessment also has concerns over the existing use of the site as a filling station as this may have resulted in ground contamination from underground fuel storage. Conditions are recommended to address each of these issues.

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

1. *No development shall take place until a scheme for protecting all bedrooms and living rooms of the residential development against road traffic noise has been submitted and approved by the Council as Planning Authority. The scheme will be designed in accordance with BS8233:2014 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' to attain the following internal noise levels:*

Bedrooms - 30dB LAeq, T and 45dB LAfmax

Living Rooms - 30 dB LAeq, D

T - Night-time 8 hours between 2300 - 0700

D - Daytime 16 hours between 0700 - 2300

The agreed scheme must be implemented in full, prior to the use being taken up.

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

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

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

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

Flood Prevention

All outstanding queries regarding flood risk and drainage design have been addressed by the applicant. The drainage proposals provided are appropriate for the proposed development.

CEC Flood Prevention has no further comment regarding this application.

Transport Planning

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1) A Road Construction Consent is required where 3 or more dwellings are proposed. Where less than 3 dwellings are proposed an access may be permitted. The proposed road is therefore clearly a 'road' within the meaning of the Roads (Scotland) Act 1984.

2) In terms of section 21 of the Roads (Scotland) Act 1984, any person other than a Roads Authority who wishes to construct a new road or an extension of an existing road must obtain Construction Consent. Whether or not the road is put forward for adoption is irrelevant. It is also important to note that 'road' includes carriageway, parking areas, verges, footways, and service strips. It is only the Council as Roads Authority which can control parking on a 'road', whether adopted or not. The developer has no powers or rights to control parking, restrict access, sell off or rent part of the 'road'.

3) In this case parking areas adjacent to the Craigleith Road will form part of the 'road' and will be subject to the same Road Construction Consent.

4) The applicant must be informed that the proposed on-street spaces on Craigleith Road 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 extension has been adopted or not. The developer is expected to make this clear to prospective residents;

5) A Traffic Regulation Order would be required to promote a one way system for the access road.

6) The footways should be continuous and access to any car parking areas should be by dropped kerb (i.e. not bell mouth);

7) The proposed development is on the boundary of the Controlled Parking Zones. New residential properties in the central and peripheral Controlled Parking Zone (CPZ), Zones 1 to 8, are not eligible for residents' parking permits. This will apply to the houses that are accessed from Craigleith Hill;

8) Consent should not be issued until the applicant has entered into a suitable legal agreement to:

- a) Provide a contribution of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as required for the development. The agreement to include provision by the applicant to the council of a redetermination plan to enable the order to be advertised;
- b) Provide a contribution of £2,000 to progress a suitable order for a one way system required for the development;
- 9) Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
- 10) The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured;
- 11) The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification".

See pages 5, 15 & 16 of www.edinburgh.gov.uk/downloads/file/9579/householder_guidance_2012

Location Plan



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