

# Development Management Sub Committee

Wednesday 17 June 2015

**Application for Planning Permission 14/03883/FUL  
At 1 - 11 Dalgety Road, Edinburgh, EH7 5UH  
Construct 51 residential units with associated parking,  
landscaping and access (as amended).**

<b>Item number</b>	5.1
<b>Report number</b>	
<b>Wards</b>	A14 - Craigentinny/Duddingston

## Summary

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The proposal is acceptable in this location and is of an acceptable layout, scale and design. The amenity of existing neighbouring properties will not be adversely affected and a satisfactory level of amenity will be provided for future occupants. The development will be sustainable and the impact on infrastructure, with the use of conditions and a legal agreement, are acceptable.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	NSGD02, LPC, CITD1, CITD3, CITD6, CITE8, CITE9, CITE11, CITE12, CITE17, CITOS3, CITH1, CITH2, CITH3, CITH4, CITH7, CITCO2, CITT2, CITT4, CITT5, CITI6, CITEM4, NSG, NSMDV, NSP, NSDCAH,
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# Report

## **Application for Planning Permission 14/03883/FUL At 1 - 11 Dalgety Road, Edinburgh, EH7 5UH Construct 51 residential units with associated parking, landscaping and access (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The 0.3ha application site is located on the corner of Marionville Road and Dalgety Road. It is bounded by Dalgety Road to the south west and north west, Marionville Road to the south east and a strip of land to the north east. Beyond the strip of land, which contains trees and vegetation, there is the railway line to Powderhall and then Lochend Park and existing buildings. Previously a print works, now demolished, stood on the application site. The site is accessed from Dalgety Road.

Existing four storey stone tenements are located opposite the site and modern four storey flats are located to the north west of the application site on Dalgety Road. Opposite the site to the south east, is Meadowbank Sports Stadium. A residential development is proposed beyond the railway line near Marionville Road which is currently pending decision (14/02089/FUL).

Marionville Road consists mainly of stone tenements at its western end and stone fronted bungalows at its eastern end. There is some architectural variety and modern buildings are located nearby. A concentration of four storey stone tenements is found in the area bounded by Dalgety Road, Dalgety Avenue, London Road and Marionville Road.

The wider surrounding area contains mixed uses although the character is predominantly residential. Nearby uses include a sports stadium, a retail park and a care home.

The application site is not in a conservation area.

#### **2.2 Site History**

29 October 2008 - Application withdrawn for erection of flatted residential and commercial accommodation (planning reference: 07/02846/FUL).

Other relevant history:

23 May 2014 - Application received and currently pending decision for demolition of existing business unit (use class 4), erection of new residential development (use class 9) comprising 34 residential flats with associated landscaping and enabling works at 71 Marionville Road, Edinburgh, EH7 6AQ (planning reference: 14/02089/FUL).

## **Main report**

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

The application seeks permission for residential development of 51 dwelling units.

The proposal is for an "L" shaped five storey flatted block on Dalgety Road/Marionville Road. The part fronting Marionville Road will sit behind a shallow front garden and low wall. The part in Dalgety Road will be set back from the road with private gardens and communal ground and landscaping to the front. Private gardens will be provided for ground floor flats and a communal area is proposed to the rear of the building. There will be balconies and terraces to some of the flats.

Materials will be cast stone in ashlar coursing for the block fronting Marionville Road and sections of the block on Dalgety Road. Render and zinc are also proposed for the block on Dalgety Road and on the rear elevations. Roof will be metal on the mansard sections and ply on the flat sections.

The proposal is for 39 x 2 bedroom and 12 x 3 bedroom flats. Lifts will be provided on all floors and to the car park.

Vehicular access will be taken from Dalgety Road, where the existing access is located, and parking will be in the basement/underground. Cycle parking will be provided in the parking area.

Affordable Housing provision will be 25% to comply with the current local plan policy.

#### Scheme 1

Fifty-two units were proposed originally. One top floor unit at the end of the block in Dalgety Road has been removed from the proposals. The length of the low wall along Marionville Road has been extended eastwards to the site boundary and the landscaping/communal area to the front of the block on Dalgety Road has been reconfigured.

#### **Supporting Information:**

The following supporting information has been submitted:

- Design and Access Statement;
- Phase II Geo-Technical Environmental and Geo-technical Interpretative Report;
- Noise Impact Assessment;
- Air Quality Assessment;
- Drainage Strategy;
- Pre-application Consultation (PAC) Report; and
- Accommodation Schedule.

These documents are available to view on 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 principle of residential development is acceptable in this location;
- b) the layout, scale and design are appropriate;
- c) there is any impact on amenity;
- d) there is any impact on infrastructure;
- e) the proposed development is sustainable;
- f) there are any other material considerations;
- g) there are any equalities or human rights issues; and
- h) the public comments have been addressed.

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

The application site is in the Urban Area of both the adopted local plan and in the Second Proposed Local Development Plan. The surrounding area, whilst including a mix of uses, is predominantly residential.

The Local Development Plan Housing Land Study (June 2014) indicates that the application site could accommodate 33 flats and was a high probability of being developed for housing. Residential development on this site will contribute towards meeting the Council's windfall housing assumptions. The proposal is for 51 flats i.e. 18 more units than predicted in the Study. The proposed development will improve the area by introducing housing on an urban infill site and help meet housing need.

Although the site is now vacant, the land previously contained a print works. Policy Emp 4 seeks to protect existing employment sites and permits uses other than business, industry or storage if the proposal includes a significant element of floorspace designed to provide for a range of business needs.

The proposal does not include any business space. Policy Emp 9 of the Second Local Development Plan also aims to encourage the development of land for employment purposes. Part c) states that business floor space should be provided if the site is larger than 1 hectare. The application site is 0.3ha which is less than the threshold in Policy Emp 9 and, therefore, there is no requirement to provide business space. No objections to the wording for Policy Emp 9 were received in relation to the Second Proposed Local Development Plan and, thus, considerable weight can be given to Policy Emp 9. Whilst Economic Development aim to encourage the retention and provision of flexible small business premises, it is not necessary to provide business space as part of the proposal.

Economic Development has advised that the former print works employed 54 people and that the site has lain idle since 2011. It estimates that the proposed development could create 50 jobs on site. It has advised that the site does not sit within the central business district and that the area is predominantly residential and is well served by retail. For these reasons, Economic Development is of the view that it is not vital that the site be reserved for future commercial uses.

The principle of the proposal is acceptable in this location.

#### b) Layout, scale and design

##### Layout

The proposal will use the existing access from Dalgety Road which was previously used by the former print works. The access will lead directly into the underground/undercroft car park and this is acceptable.

The proposed building will be laid out in a skewed "L" shape on the corner of Marionville Road and Dalgety Road. The Marionville Road frontage will continue the townscape formed by the existing row of tenements and have the same relationship between building, front garden and road. This will respect the character of the street in this part of Marionville Road.

Setting the Dalgety Road frontage back from the street reflects the positioning of the modern flatted buildings on this side of Dalgety Road. This will to some extent retain an open aspect and give a feeling of space opposite the existing tenements. The set back of the Dalgety Road block will give the impression of a more spacious street, which actually has a relatively narrow road. The proposed area of landscaping incorporating front gardens and access paths will provide the block with a softer setting. The proposed public realm will improve the streetscene by providing a softer setting to the development next to the hardstandings of the road and pavements.

The proposed layout is acceptable.

##### Scale and design

The proposed five storeys in height is higher than the existing four storey tenements and four storey modern flats adjacent to the application site. Both of these neighbouring building types have a pitched roof.

The proposed development will have a flat roof and will be of a similar height in terms of roof ridgeline to the neighbouring tenements and flatted blocks.

The fifth storey on the Dalgety Road frontage will be set back from the building line and will not be so obvious from street level. The very end unit on the top floor of the block on Dalgety Road has been removed in the revised drawings and this provides a stepping up from four storeys to five storeys from the edge of the block

The height and scale of the proposed development are compatible with the immediate streets and surrounding area which are characterised by four storey tenements and flatted blocks. The use of a mixture of cast stone and render on most of the elevation fronting Dalgety Road is in keeping with the stone tenements opposite and the neighbouring modern flatted block. Dark grey zinc on the top floor together with the set back from the main building line will result in a subdued top storey.

The proposed design is simple and contemporary with a uniform pattern of windows. The proposal is a very modern interpretation of the tenement block and will fit well into the street scene.

The proposal is of an appropriate layout, scale and design.

#### c) Amenity

The applicant has provided drawings demonstrating that the proposal will not have a detrimental impact on daylighting to the existing neighbouring properties. The Edinburgh Design Guidance advises that, generally, if the daylighting guidance is complied with, the loss of sunlight is also acceptable. Based on the information provided, the proposed development accords with the Edinburgh Design Guidance in terms of daylighting and overshadowing and, therefore, the daylighting to be received by existing neighbouring properties will not be adversely affected. A small amount (8%) will fall on the northern neighbouring property's car park and this is acceptable. It is acknowledged that some of the existing tenement flats are single aspect and that some of these will face the proposed development. However, the applicant has demonstrated that the proposal complies with the Edinburgh Design Guidance in terms of daylighting and overshadowing and, therefore, the neighbouring properties will not be detrimentally affected.

The proposed dwelling units will be required to comply with Building Regulations and thus adequate daylighting to the proposed homes will be provided. The size of the flatted units complies with the minimum space thresholds in the Edinburgh Design Guidance and is acceptable.

Windows in the development will overlook the public street, i.e. Dalgety Road and Marionville Road, the railway line and onto the car park to the north. The windows will be more than 18 metres from neighbouring windows. The proposals comply with overlooking and privacy advice in the Edinburgh Design Guidance and there are, therefore, no overlooking or privacy issues.

The total amount of green space is 20.5% which complies with local plan policy. The amount of open space, excluding private gardens, is 389sq metres which is slightly less than the 10sq metres required per flat in the policy which would provide 410sq metres.

Each of the ground floor dwelling units will have their own private garden and there will be communal/shared garden area to the front and rear of the building. Some flats will have balconies or terraces. In addition, the proposed development is within walking distance of Lochend Park and Holyrood Park. In this context and given the marginal amount of open space provision shortfall, this is acceptable in this instance.

The proposal will not be detrimental to the amenity of existing neighbouring properties and adequate amenity will be provided for future occupiers.

#### d) Infrastructure

##### Flooding and Drainage

Flood Prevention requested more details relating to flood risk and the drainage strategy. Additional information has been provided and is currently being considered by Flood Prevention. A condition is recommended to ensure that the development will not be at risk of flooding and that it will not result in a flood risk to neighbouring properties.

SEPA has advised that it has no objection to the application.

##### Transport

Transport Planning has advised that it has no objections to the application subject to conditions or informatives relating to footway crossings, access to refuse storage facilities, the limit of adoption; turning facilities/manoeuvring space in the car park; a Travel Plan, safeguarding a future pedestrian and cycle link to Powderhall; cycle parking and disabled persons parking places.

Transport Planning has also advised that the proposed car parking is in line with current parking standards and that, although the proposed cycle parking is not in line with the current parking standards, the proposed number of cycle spaces (1 per dwelling unit) is acceptable. It is recommended that a Legal Agreement is secured to promote the traffic order necessary for the disabled persons parking space as per the Disabled Persons Parking (Scotland) Act 2009.

Transport Planning has requested that a future pedestrian and cycle link to the Powderhall railway line be safeguarded. In terms of safeguarding a future pedestrian and cycle link to Powderhall, a more appropriate access would be directly from Marionville Road onto the strip of land/railway embankment. There is no direct access from the site, either existing or proposed, to the railway line and therefore there is no scope in the current design to provide a section of land safeguarded for a pedestrian/cycle link through the site. Such a safeguard would reduce the amount of garden ground and open space and open up the private and private communal open space to the rear of the building to public use. In these circumstances, it is not considered appropriate to provide a safeguarded route for cyclists and pedestrians through the application site.

Most of the letters of representation raised the issue of parking. This was for both the proposed development and the existing situation in Dalgety Road and surrounding streets. Individuals commented that there is not enough parking, no visitor parking and there would be more demand for on-street parking. The proposed amount of parking for the development complies with the parking standards and, therefore, is acceptable. The applicant is not responsible for the existing parking situation and, therefore, this cannot be taken into account in the consideration of this application.

The issue of safety was also raised in the comments received. The proposed development will be located in an urban area with existing road and traffic conditions. Transport Planning has considered the proposal and has not raised any road safety issues.

A request for a pedestrian crossing further westwards on Marionville Road was made in a letter of representation. This request was passed on to Transport for more general consideration as a crossing is not required as a mitigation measure for the proposed development.

A letter of representation suggested a 20mph limit. The Council under its role as Roads Authority is to introduce 20mph zones across the City and Dalgety Road is to become a 20mph speed limit.

It was suggested that the access be taken from Marionville Road. The proposal will use the existing access from Dalgety Road and this is acceptable. In townscape terms, not having an access directly from Marionville Road will enable the street form and urban block to continue the formal street/building line in Marionville giving a strong frontage to the street.

## Education

Policy Com 2 in the Edinburgh City Local Plan indicates that new housing development which would lead to an additional demand for school places that cannot be met in schools serving the development will be expected to make a financial contribution to meet the cost of providing the necessary additional places.

The Second Proposed Local Development Plan, accompanying Proposed Action Programme (May 2015) and the Developer Contributions and Affordable Housing Guideline (February 2014) sets out a new approach to developer contributions focussing on identified actions.

The application site is not identified as a housing proposal in the Second Proposed Plan and it does not lie within a Contribution Zone. A new policy is being prepared to cover education contributions for development on sites outwith Contribution Zones. In the meantime, the Guidance states "the net impact on infrastructure capacity will be assessed. If it is necessary to mitigate that impact by providing additional capacity above and beyond the actions identified within the Action Programme, the Council will consider whether a legal agreement can be used to mitigate those impacts. These identified infrastructure requirements may be added to the actions in the Action Programme. The Council will always ensure that contributions are proportionate to the impacts arising from any new development and used to mitigate those impacts."

Children and Families has indicated that contributions are required towards increasing capacity at non-denominational primary and secondary schools in the vicinity of the site. The non-denominational catchment schools for the application site are Drummond High and Abbeyhill Primary. Using the assumed pupil generation rates set out in the Edinburgh Local Development Plan Revised Education Appraisal (June 2014), Children and Families has advised that the development will generate one high school pupil and three primary school pupils.

Information held by Planning indicates that in 2013/2014 Drummond High School was at 69% capacity and its feeder primary schools were at 117% capacity (Broughton Primary), 66 % capacity (Leith Walk Primary) and 75% capacity (Abbeyhill Primary). A report on Rising School Rolls to the Education, Children and Families Committee on 9 December 2014 indicated that there will be insufficient capacity in primary and secondary schools across the City within eight years.

The Developer Contributions Guidance requires the Council to ensure that contributions are proportionate to the impacts arising and used to mitigate those impacts. At present it has not been possible for a new contribution zone with appropriate actions to be developed for the area in which this development site is located. In the absence of a contribution zone, it is proposed to use the figures in the Council's previous developer contributions policy to identify "a proportionate contribution". In October 2009, these were £411 per flat for non-denominational primary and £357 per flat for non-denominational secondary. This would equate to a total education contribution of £39,168 (at 2009 prices) for the proposed 52 flats. These figures will be index linked when payment is made but, for information purposes, equates to a total of £49,167 at 2nd quarter 2015 values.

It is recommended that this be secured through a legal agreement which will include a requirement for the Council to identify and implement relevant actions to increase non-denominational capacity at Drummond High School and one or more of its feeder primary schools within a set time limit.

If there is a funding shortfall in providing additional non-denominational primary capacity in this area, it is the Council's responsibility to investigate other means of addressing this. This may have financial implications for the Council as at present there is no budget provision for education infrastructure required as a result of new development.

#### e) Sustainability

The development will be constructed in line with the "Fabric First" to achieve a 30% carbon reduction and will have enhanced insulation. Highly efficient gas boilers and flue gas recovery units are proposed and the car park roof will have grassed areas and planters. Timber framed windows are proposed and the timber will be FSC (Forest Stewardship Council). The application site is a brownfield site and the crushed demolition on site will be used for upfill.

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

<b>Essential Criteria</b>	<b>Available</b>	<b>Achieved</b>
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
<b>Total points</b>	<b>80</b>	<b>80</b>

The proposal meets the essential criteria.

#### f) Other Material Considerations

##### Contaminated Land

The applicant has submitted a phase II geo-environmental and geotechnical investigation which is currently being assessed by Environmental Assessment. Therefore, a condition is recommended as the report has not yet been fully assessed.

##### Air Quality

The application site is located close to the City Centre Air Quality Management Area extension declared in 2013 due to exceedence of the annual mean air quality objective for nitrogen dioxide. The air quality impact assessment report submitted by the applicant demonstrates that the exceedences of the air quality standard were not predicted at any location across the development. As such, the location was considered suitable for residential usage in regards to air quality. Environmental Assessment has concerns that the proposals may adversely affect this area of poor air quality during construction and operational phases. However, this is not a material planning consideration and, therefore, an informative is recommended to encourage the developer to adopt good practice during the construction phase.

It is highlighted in the Council's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of Electric Vehicle (EV) charging points. An informative relating to information on EV charging points is recommended.

##### Noise

There are a number of noise sources close to the development site including Meadowbank Stadium and the Powderhall Recycling Centre Railway line. The noise impact assessment has advised that mitigation from the railway line will be required. A condition relating to acoustic glazing is recommended in order to protect future occupiers.

Road noise from Marionville Road and Dalgety Road has been assessed and the noise impact assessment has advised that mitigation in the form of acoustic glazing/trickle vents will be required to protect the residential amenity of the facades overlooking the above mentioned roads. Environmental Assessment recommends a condition is attached to any consent to ensure appropriate mitigation is provided.

The daytime noise level at Dalgety Road facade was found to exceed the recommended upper limit (55dB) for outdoor (garden/terrace) residential amenity (by 6dB - this includes an additional 6dB attenuation due to the setback distance of this facade from the road by approximately 10m). All of the flats will have access to outdoor amenity space at the rear of the building, which is protected from road traffic noise from both Marionville and Dalgety Roads and, although not ideal, Environmental Assessment accepts there is alternative outdoor amenity space. The proposed double glazing specification for the Marionville Road facade will also provide adequate attenuation to protect residential amenity from potential noise arising due to sports taking place at Meadowbank Stadium. Therefore, conditions regarding acoustic glazing are recommended.

The issue of traffic noise was raised in the letters of representation. It is accepted that existing urban streets do experience some traffic noise. Additional traffic noise generated from the development will become part of the background of traffic noise and will not on its own introduce traffic noise where there was no traffic noise. Future occupants of the development can be protected from such noise through the use of acoustic glazing.

## Light

Environmental Assessment has also investigated the potential light pollution from the Meadowbank Stadium. The main floodlights are used infrequently and as there are other residential properties in the area closer to the floodlighting Environmental Assessment are satisfied that the floodlights should not adversely impact upon the amenity.

## Strategy and Investment

Services for Communities (Investment) has advised that the Affordable Housing policy requires 13 homes of approved affordable tenures. The aim is to achieve on-site affordable homes of blind tenure construction and with a representative mix of sizes.

A letter of representation asked if the affordable housing would be provided by a housing association or by the Council. It is expected that the affordable housing would be provided by a Registered Social Landlord (RSL) which in this case would be a housing association.

Affordable Housing can also be provided by way of a commuted sum or off-site provision in lieu of on-site affordable housing units. Whilst the objective of social housing is to achieve on-site social housing, it allows for the provision of on-site unsubsidised tenures where social housing is evidenced as unviable. The applicant is currently in dialogue with a Registered Social Landlord (RSL) and Strategy and Investment is monitoring these discussions.

It is recommended that a legal agreement be concluded to secure the delivery of the affordable housing units.

## Archaeology

The City's Archaeologist has advised that the early 20th century commercial building which occupied the site, although unlisted, was of local interest. It was recommended that it be recorded prior to its demolition as part of the previous application (07/02846/FUL) which was withdrawn. The building has since been demolished without being recorded and this has removed the only known archaeological interest in this site. Therefore, there are now no known archaeological implications regarding this development proposal.

## Network Rail

Network Rail has advised that it has no objections to the proposal. It has suggested conditions or advisory notes relating to safety barriers and construction works be attached to the permission, if granted. It is recommended that an informative is attached advising the applicant/developer to refer to Network Rail's consultation response.

## Parks

A comment stated that more people will use Lochend Park and that some of the paths in the park do not have a surface on them. Parks and Greenspace has advised that the proposal will increase the use of the park and requested a contribution towards upgrading the wearing footpaths and enhance infrastructure, although details of the improvements have not been specified. The Open Space Action Plan (2010) sets out actions to improve public open spaces including parks across the city. It follows on from the Open Space Audit (2009) and the Open Space Strategy (2010). Allotment provision is identified as an action for Lochend Park. The Action list does not contain any improvements regarding infrastructure or maintenance. Therefore, there is no justification to require a developer contribution for improvements to Lochend Park.

### g) Equalities and Human Rights

Affordable Housing will be provided as part of the application, either on-site or possibly off-site. This will enable those who are unable to obtain a mortgage to secure a home. All the ground accesses will be level access and there will be lifts in each stair.

A letter of representation raised the issue of the impact on quality of life. In terms of Human Rights legislation, individuals have the right to life and individual, family and social life. This includes the right to own space and privacy. For this application, the windows of the proposed building will look onto public streets, i.e. Dalgety Road and Marionville Road. There are no residential properties opposite the Marionville Road frontage. The proposed windows in Dalgety Road will be 18 metres or more from existing windows. The issue of privacy and overlooking has also been addressed in section 3.3(c).

### h) Public Comments

## Material Comments

- principle - understand building of new homes is essential. Addressed in section 3.3(a);
- design - height; higher than building on site and the top floors of the nearby tenements; should be sympathetic to area. Addressed in section 3.3(b);
- amenity - cut down/block out daylight & natural sunlight; single aspect tenement flats opposite; lack of privacy; will overlooking; should be sympathetic to neighbours it impacts on. Addressed in section 3.3(c);
- parking, access and traffic - not enough parking; no visitor spaces; increased demand for on-street parking; the road being one lane due to roadside parking; on-street parking already full to capacity; increased demand for on-street parking; increased traffic; impact on road safety; unsafe; risk of accidents; speeds; suggest 20 mph limit; suggests pedestrian crossing on Marionville Road and Wishaw Terrace; pedestrian provision for crossing needed; traffic noise; traffic fumes; surrounding streets narrow; suggest take access from Marionville Road; increased traffic noise; traffic fumes. Addressed in section 3.3(d);
- housing tenures - are housing association or council flats included in this development? Addressed in section 3.3(f);
- park - increase the amount of local residents using the park and using cycle ways; will provide a safe route to school; some paths in park do not have a surface on them. Addressed in 3.3(f); and
- equalities - affects quality of life. Addressed in section 3.3(g).

## Non Material Comments

- View - views in general and views of Lochend Park and greenery will be blocked; and
- Construction - disturbance; dust; use of larger vehicles will pose safety risk.

Private views and construction are not material planning considerations. Therefore, they cannot be taken into account in the assessment of this application.

## Community Council

Craigentenny/Meadowbank Community Council was consulted but did not comment on the application.

## Conclusion

The proposal is acceptable in this location and is of an acceptable layout, scale and design. The amenity of existing neighbouring properties will not be adversely affected and a satisfactory level of amenity will be provided for future occupants. The development will be sustainable and the impact on infrastructure, with the use of conditions and a legal agreement, are acceptable.

There are no other material considerations that outweigh this conclusion.

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

### 3.4 Conditions/reasons/informatives

#### Conditions:-

1. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. No development shall take place until the submitted drainage information has been assessed as acceptable and approved in writing by the Council as planning authority.
3. The following noise protection measures shall be carried out in full and completed prior to the development being occupied (as defined in the Robin Mackenzie Partnership "Environmental Noise Assessment" report reference R-6923-EK-MI):
  - glazing units with a minimum insulation value of 10/12/6mm double glazing should be installed for the external windows on Marionville Road (south east) facade with a trickle vent capable of 38Dnew;
  - glazing units with a minimum insulation value of 4/12/4mm double glazing should be installed for the windows on Dalgety Road (west) facade with a trickle vent of 38Dnew; and

- glazing units within a minimum insulation value of 4/12/4mm double glazing should be installed for the windows facing north onto the Powderhall railway line with a standard trickle vent.

**Reasons:-**

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. To ensure the development is not at risk of flooding and will not cause flooding to neighbouring properties.
3. In order to protect the amenity of the occupiers of the development.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.
2. Permission should not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.
3. Permission shall not be issued until a legal agreement is secured for the cost of promoting the disabled persons parking space and providing a Travel Plan.

A Draft Travel Plan to be submitted to the Council prior to first occupation and a Final Travel Plan to be submitted within 12 months of that date.

It is expected that the travel plan considers:

- a) financial contribution to transport promotion measures, including contributions to, or provision of, public transport season tickets; and
  - b) the provision of a public and sustainable transport information pack.
4. 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.
  5. 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.

6. Electric Vehicle charging points should be installed. Charging outlet (wall or ground mounted) should be of the following standard:  
Type 2 (EN62196-2), Mode 3(EN61851-1) compliant and be twin outlet. With the ability to supply 22kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11kW to each outlet when both are in use. Where this is not possible then 7kW capacity to each outlet simultaneously.
7. Good practice methods should be adopted during the construction phase.
8. Network Rail's advise that the railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent unauthorised and unsafe access to the railway.
  - If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.
  - Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
  - Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
9. The footway should be continuous across the opening and the access should be a dropped kerb arrangement, not bellmouth.
10. Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle.
11. The limit of adoption will be the back edge of footpath on Dalgety Road and Marionville Road (as existing).
12. The applicant should ensure that the car park is large enough, and of a shape, to accommodate a turning area suitable for any vehicles which are likely to use it so that vehicles can enter and exit the site in a forward gear.
13. The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame.

## **Financial impact**

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

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

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

The Proposal of Application Notice (14/02545/PAN) was submitted on 23 June 2014. A community event was held on 12 August 2014 in St. Ninian's Church Hall. The conclusions of the event are contained in the Pre Application Consultation (PAC) Report available on the Council's Planning and Building Standards Online Service.

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

Six letters of representation have been received, five objecting to and one commenting on the application. They raised the following issues:

Material Considerations:

- principle - understand building of new homes is essential;
- design - height; should be sympathetic to area;
- amenity - loss of daylight and sunlight; overlooking and lack of privacy and overlooking;

- parking, access and traffic - not enough parking; increased demand for on-street parking; increased traffic; traffic noise; traffic fumes; unsafe; risk of accidents; Dalgety Road and surrounding streets narrow; no provision for pedestrians to cross; pedestrian provision needed; suggest take access from Marionville Road not Dalgety Road;
- housing tenures - housing association or council flats included?
- park - increase the amount of local residents using the park and using cycle ways; will provide a safe route to school; some paths in park do not have a surface on them; and
- equalities - affects quality of life.

#### Non-Material Considerations:

- transport -20 mph limit suggested; pedestrian crossing on Marionville Road and Wishaw Terrace suggested;
- View - views and views of Lochend Park and the greenery will be blocked; and
- Construction - disturbance; dust; use of larger vehicles will pose safety risk.

The Council as Roads Authority is developing a programme for introducing 20mph zones within residential areas in the city. Dalgety Road and the surrounding streets are included in the proposed 20mph zone. The 20mph public consultation closed on 17 October 2014 and following analysis of comments, it is intended to report to Transport and Environment Committee on the outcome of the consultation in early 2015.

The suggestion for the pedestrian crossing is not directly related to the application site and, therefore, cannot be requested as an obligation by the developer. This suggestion has also been forwarded to the appropriate section in the Council for consideration.

Private views are not protected in planning policy. Views and construction are not material planning considerations and, therefore, cannot be taken into account in the assessment of this application.

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

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- 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 in the Urban Area of both the adopted local plan and in the Second Proposed Local Development Plan. The surrounding area, whilst including a mix of uses, is predominantly residential.

**Date registered**

26 September 2014

**Drawing numbers/Scheme**

01, 02, 03A - 12A, 13 - 14, 15A, 16.,

Scheme 2

**David R. Leslie**

Acting Head of Planning and Building Standards

Contact: Jackie McInnes, Planning Officer

E-mail:jackie.mcinnnes@edinburgh.gov.uk Tel:0131 469 3731

**Links - Policies**

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**Relevant Policies:**

**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.

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

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

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

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

Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

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

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

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

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

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

Policy Inf 6 (Water & Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Policy Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

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

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

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

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

# Appendix 1

## **Application for Planning Permission 14/03883/FUL At 1 - 11 Dalgety Road, Edinburgh, EH7 5UH Construct 51 residential units with associated parking, landscaping and access (as amended).**

### **Consultations**

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#### **.Archaeology comment**

*The early 20th century commercial building which occupied this site, although unlisted, was identified as being of local interest. As such it was recommended in my August 2007 response to planning application 07/02846/FUL that it be recorded (level 1 HBR) prior to its demolition. This building has in the intervening period been demolished however without any archaeological record apparently having been undertaken. As this action has removed the only known archaeological interest in this site there are therefore now no known archaeological implications regarding this development proposal.*

#### **Network Rail comment**

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

*The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent unauthorised and unsafe access to the railway.*

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

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

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

## **SEPA comment**

*We have no objection to this planning application. Please note the advice provided below.*

### *Advice for the Planning Authority*

#### *1. Surface Water Drainage*

*1.1 The applicant is proposing to discharge the surface water drainage arising from the development to the combined sewerage system, vested by Scottish Water (SW).*

*1.2 It is SEPA's preference that surface water is returned to the water environment rather than the combined sewer. However, as the applicant proposes to discharge to the combined sewer (section 4 of the supporting Drainage Strategy, dated September 2014) then this would be a matter for SW rather than SEPA.*

*1.3 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 increases capacity in infrastructure for future development and reduces the risk of pollution events.*

*1.4 If the ultimate discharge of the surface water drainage was to change then we would welcome the opportunity to be re-consulted.*

## **Transport comment**

*We have no objections to the application subject to the following being included as conditions or informatives as appropriate:*

*1. The footway should be continuous across the opening and the access should be a dropped kerb arrangement, not bellmouth;*

*2. Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle;*

*3. The limit of adoption will be the back edge of footpath on Dalgety Road and Marionville Road (as existing);*

*4. The applicant should ensure that the car park is large enough, and of a shape, to accommodate a turning area suitable for any vehicles which are likely to use it so that vehicles can enter and exit the site in a forward gear;*

*5. A Draft Travel Plan to be submitted to the Council prior to first occupation and a Final Travel Plan to be submitted within 12 months of that date.*

*6. It is expected that the travel plan considers:*

*a) financial contribution to transport promotion measures, including contributions to, or provision of, public transport season tickets; and*

*b) the provision of a public and sustainable transport information pack.*

*Reason-in order to help embed public transport habits and encourage modal shift.*

*7. The safeguarding of a future link to Powderhall railway line, to allow cycle and pedestrian access at a future date;*

*8. The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame.*

*Note:*

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

*Minimum car parking provision for residential development this zone (3a), as per the Council's approved guidelines, is minimum 1 per dwelling with no maximum;*

*Therefore the applicant proposes to provide car parking provision in line with the Council's current parking standards.*

*Cycle parking for Studio flats should be 1 space per flat and 2 spaces per flat for all other flats.*

*Therefore the applicant does not propose to provide cycle parking provision in line with the Council's current parking standards, however the proposal to provide 52no. cycle spaces (1 per dwelling) is deemed acceptable.*

*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.*

## **Strategy and Investment comment 31.10.14**

### *. Introduction*

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

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

*- 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.*

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

## *2. Affordable Housing Requirement*

*This application is for a total of 52 homes and as such the AHP will apply. There will be requirement for 13 homes of approved affordable housing tenures.*

*The AHP aims to achieve on-site homes of approved affordable housing tenures wherever possible. These homes must follow the principles of blind tenure construction and offer a representative mix of house types and size of those of those within the remainder of the development. They should also be located in close proximity to public transport links and local amenities.*

*It is the objective of the AHP to provide the maximum number of social rented homes. To this end this department has requested that the developer enter into dialogue with a Registered Social Landlord (RSL) to agree the delivery of at social rented homes on this site. The applicant has commenced dialogue with an RSL and these discussions are ongoing. This department is monitoring these discussions with the aim of providing on-site homes of approved affordable tenures.*

*While the objective of the AHP is to achieve on-site social housing, it also allows for the provision of on-site unsubsidised tenures where social housing is evidenced as unviable. The AHP also makes provision for the negotiation of a commuted sum or off-site provision in lieu of on-site affordable housing where viability issues in delivering any on-site homes, subsidised or unsubsidised, can be evidenced by an open book viability assessment. It is requested that the developer enter into dialogue with this department to discuss progress of their negotiations with RSLs and to confirm whether agreement can be reached for on-site social housing. Should this prove to be unviable, we can advise on the most appropriate way forward.*

*In summary, this department is supportive of this application and would be pleased to assist in further negotiations with the applicant to facilitate of the provision of on-site affordable homes.*

*The developer will be required to enter into a Section 75 Legal Agreement to secure the delivery of the affordable housing on this site and we would request that this is included in the informatives section of the report to Committee.*

### **Flood Prevention comment**

#### *General*

*A brief drainage strategy document has been submitted to support the application and though it is lacking significant detail in order to allow sign off of the attached condition.*

#### *Flood Risk*

*No comment on flood risk has been provided by the developer. Please consider the SEPA Flood Map for information regarding potential flooding issues in the area.*

## *Drainage Strategy*

*As this is a full application a robust drainage strategy is required including drawings and calculations to it functions as perceived. The following list of information should be provided to enable CEC Flood Planning to accurately comment on the suitability of drainage at the site:*

*1 - Plan drawing including all drainage pipes and SUDS to be implemented.*

*2 - Functionality of the drainage system must be demonstrated through submission of MicroDrainage calculations, or other modelling outputs, showing that the system does not flood. The 1 in 200 year event plus climate change allowance of 20% must be attenuated within the site boundary. The maximum outflow from the drainage system must be equal to the Greenfield runoff rate of the impermeable area or 4.5l/s/ha, whichever is lower. Please provide both permeable and impermeable surface areas of the site. The discharge rate requirement will be relaxed to accommodate a minimum diameter outflow pipe of 75mm. If this results in an increased discharge, please provide supporting calculations.*

*3 - Pre and post development flow paths must be provided. These should be partnered by detailed ground levels to support the flow paths provided. Flow paths across the post developed site must be such that for events beyond the capacity of the drainage system or in the event of a blockage that flows are routed to detention areas and do not pose a flood risk to buildings within the development.*

*CEC Flood Planning guidance contains further information regarding requirements of the proposed drainage system. If the developer wishes to discuss the site further we would be happy to arrange a meeting to discuss CEC recommendations the best way to move forward.*

## **Economic Development**

### *Introduction*

*The following are comments from the City of Edinburgh Council's Economic Development Service (EDS) which relate to the planning application 14/03883/FUL for the development of a housing site on the corner of Dalgety Road and Marionville Avenue.*

*Edinburgh's economic strategy, "A Strategy for Jobs 2012-17", aims to achieve sustainable economic growth through supporting the creation and safeguarding of jobs in Edinburgh. A key element of delivering jobs-driven economic growth is through supporting businesses and the provision of an adequate supply of workplaces.*

### *Commentary on existing uses*

*The site (3035.70 sqm) is that of a former print works (occupied at one time by Stewarts of Edinburgh Limited) on the corner of Dalgety Road and Marionville Avenue, now demolished.*

*Stewarts of Edinburgh went into administration in 2011, leaving the 54 employees at the Dalgety Road print works unemployed. The site has lain idle ever since then.*

*The site sits within a predominately residential area and in close proximity to Meadowbank Sports Centre and the railway line behind this.*

#### *Commentary on Proposed Uses*

*The application proposes the development of 51 units with associated access, landscaping and parking. In accordance with the Affordable Housing Requirement, 13 of these will be affordable. The 51 units will provide a total of 114 beds. Based on average household sizes in Edinburgh (2.08 as at 2013), this could be said to represent approximately 102 additional residents to the local area.*

*The average expenditure of households in Scotland sits currently at £437 per week which would amount to a combined average expenditure of the households within this development as totalling approximately £1.2 million per year. Whether or not all of this can be considered as additional income is uncertain given that there may be an element of displacement where residents move from another property in the vicinity.*

*It is estimated that the development will create around 50 jobs on site and several off site through engineers, architects, quantity surveyors, office staff, site cleaners, security guards, etc. A factoring company will be appointed on the completion of the development for building maintenance. Window cleaning contracts will also be issued.*

*Had the site been maintained for future industrial or business use, it is possible that a greater number of jobs could have been created and maintained. When the print works operated on the site, a total of 54 jobs existed. This number could arguably be replicated and increased by the operation of another business on site. Given the nearby Meadowbank Shopping Centre, retail use would not have been out of the question.*

#### *Summary response to consultation*

*The development is expected to bring in approximately 102 additional residents to the local area, contributing to just over £1.2 million per year in expenditure.*

*It is likely a number of temporary/part time jobs will be created by the development but the majority of economic benefit will come from the residents since most of these contracts will end on completion of the development.*

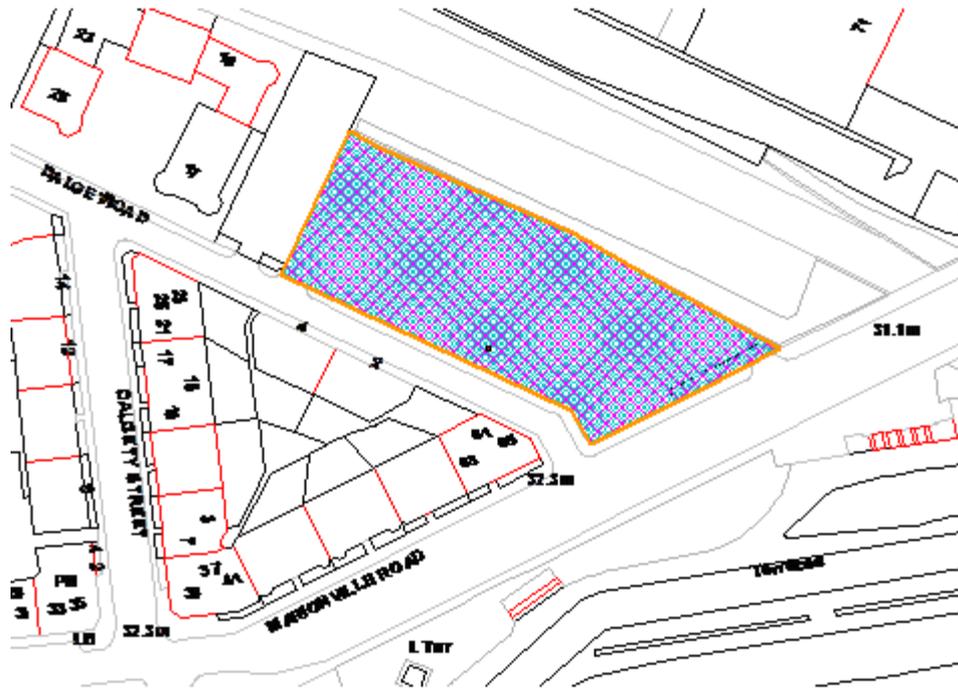
*The proposed development will assist the City in meeting housing demand and will provide a portion of much needed affordable housing.*

*The site does not sit within the central business district and the surrounding uses are predominately residential. The area is well served by retail via the Meadowbank Shopping Centre and other local shops and cafes. For these reasons, it is not vital that this site be reserved for future commercial uses.*

*This response is made on behalf of Economic Development.*

# Location Plan

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