



Decision by Timothy Brian, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-230-2312
- Site address: Forth Rail Bridge, Hawes Brae, South Queensferry
- Appeal by Network Rail against the decision by the City of Edinburgh Council to grant planning permission reference 19/04116/FUL dated 6 April 2020 subject to conditions.
- The development proposed: Development of a Forth Bridge Walk Reception Centre; new sections of bridge access system; new viewing platforms; associated car parking; landscaping; servicing and alterations to existing vehicular and pedestrian accesses.
- The condition appealed against is: Condition 17 which requires the provision of no more than 39 car parking spaces.
- Date of site visit by Reporter: 1 August 2020

Date of appeal decision: 17 August 2020

Decision

I allow the appeal and vary the terms of the planning permission by deleting Condition 17 and substituting the following condition:

“Prior to the initiation of development, an amended car park layout shall be submitted for approval by the Planning Authority, demonstrating a parking provision of no more than 57 car parking spaces. The approved parking layout scheme shall be implemented prior to public access to the development. For the avoidance of doubt, the scheme hereby approved shall not be held to include the car parking layout as shown on any of the approved drawings.”

Reasoning

1. The determining issues in this appeal are whether the condition meets the tests of Circular 4/1998: The Use of Conditions in Planning Permissions, having regard to the provisions of the development plan and any other material considerations, including Government policy and council guidance, the nature of the development proposed and the parking situation in South Queensferry.

2. I am also required to have regard to the statutory provisions which apply to listed buildings and conservation areas, and any other material considerations relevant to the determination of the case.



Background

3. The application which is the subject of this appeal is one of three parallel applications (for planning permission, listed building consent and conservation area consent) which were approved by the council on 6 April 2020, for the development of a Forth Bridge Walk Reception Centre at South Queensferry.
4. It is proposed to develop a visitor attraction ('the Forth Bridge Experience') at the south end of the Forth Rail Bridge, where visitors would be given the opportunity to ascend the bridge structure to a viewing platform on the top of the southernmost arch.
5. The site boundary encompasses the southern section of the bridge (up to the top of the first cantilever), together with the grounds of a modern house ('The Fort') south of Hawes Brae and a former works compound to the west. It extends to Dalmeny Station at its south end.
6. The proposal includes: the development of a reception hub building to the west of the bridge piers; the conversion of the existing house to a staff office building; the remodelling of the existing vehicular access from Hawes Brae; new pedestrian links from Hawes Brae/High Street and from Dalmeny Station; and car parking for visitors and staff.
7. In granting planning permission for the proposed development, the council determined that the proposal would not have a detrimental impact on the Forth Bridge (a category A listed building and World Heritage site), Dalmeny Battery (also A-listed), or the Queensferry Conservation Area.
8. The only matter in dispute between the appellant and the council in this appeal is the appropriate number of car parking spaces to be provided to serve the development.
9. The planning application proposed the provision of a visitor car park for 78 vehicles (including eight electric charging points and four disabled spaces), together with 11 parking spaces for staff cars, and 54 cycle spaces. The council's Roads and Transport section noted that there is likely to be a maximum of 57 cars on site at peak times, and regarded the proposed 78 visitor car parking spaces as over provision when assessed against the assembly and leisure use class in the council's parking standards. Nonetheless, it considered that this number of car parking spaces was acceptable in Zone 3 because of the unique nature of the development proposed.
10. However, the council's Development Management Committee considered that the 78 visitor parking spaces represented overprovision, and should be reduced to 39.
11. The disputed Condition 17 therefore reads:

"Prior to the initiation of development, an amended car park layout shall be submitted for approval by the Planning Authority, demonstrating a parking provision of no more than 39 car parking spaces. The approved parking layout scheme shall be implemented prior to public access to the development. For the avoidance of doubt,

the scheme hereby approved shall not be held to include the car parking layout as shown on any of the approved drawings”.

The reason given for the condition is “to encourage sustainable forms of transportation to the development.”

12. The appellant now proposes that the condition be modified to require no more than 57 car parking spaces.

How many car parking spaces should be provided to serve this development?

13. Paragraph 270 of Scottish Planning Policy states that the planning system should support patterns of development which reduce the need to travel, provide safe and convenient opportunities for walking and cycling, and facilitate travel by public transport, and enable the integration of transport modes.

14. One of the transport objectives for sustainable development in the adopted Edinburgh Local Development Plan 2016 is to promote and prioritise travel by sustainable means, i.e. walking, cycling and by public transport.

15. Policy Tra 2 Private Car Parking of the local development plan indicates that planning permission will be granted where proposed car parking provision complies with and does not exceed the parking levels set out in council guidance. Lower provision will be pursued subject to consideration of a number of factors, including:

“a) whether there will be any adverse impact on the amenity of neighbouring occupiers, particularly residential occupiers through on-street parking around the site and whether any adverse impacts can be mitigated through control of on-street parking.”

16. Edinburgh Design Guidance, updated in January 2020, sets out the council’s car parking standards which are used to influence the levels of parking associated with new developments. They set maximum limits for general car parking to restrict excessive provision and encourage a shift from the private car to more sustainable modes of travel. South Queensferry lies within Zone 3 (the areas of the City with the lowest accessibility to public transport) for the purposes of the parking standards.

17. Since there is no specific standard which applies to an unusual development such as this, the council’s Roads and Transport section agreed that the proposed parking provision should be informed by the predicted number of visitors, mode share analysis and the site wide access management strategy. I agree that this is an appropriate way to approach the issue, in the absence of a relevant parking standard. The access management strategy proposes barrier-controlled access, with visitor access limited to pre-booked, timed slots.

18. However, I cannot find the statistical basis for the original proposal to provide 78 car parking spaces, which appears to represent an unduly high level of provision in relation to the expected number of visitors and mode share. The Transport Statement produced by Ove Arup & Partners Ltd in August 2019 advised that the predicted person trip generation was defined by the maximum group size that can be accommodated on the bridge walk. It

is predicted that a maximum of 224 visitors would be on site at any one time. Assuming there are 2.5 people per car, and a mode share of 64%, it is likely that a maximum of around 57 cars would be on site at any one time.

19. I am also unclear how the committee selected the alternative requirement of 39 parking spaces, which is half of the original figure. Evidently the committee considered that this was a suitable number given the characteristics of the site and its close proximity to good public transport networks (rail and bus) and active travel routes (walking and cycling). The council took into account the proposals to upgrade the existing walking and cycling networks and improve access to the site, including a new pedestrian crossing on Hawes Brae, and to limit traffic speed and parking on Hawes Brae.

20. The council suggests that this would allow the appellant to monitor the demand for car parking over a period of time, and underline the need for visitors to use public transport. The SEStran Parking Management Strategy 2017 indicates that “control over the availability of parking spaces is a key policy instrument in limiting car trips”.

21. The committee questioned the appellant’s reliance on VisitScotland data on levels of parking at other visitor attractions, some of which were in remote and isolated locations, and feared that the level of parking proposed would reinforce the tendency of visitors to come by car. However, I note that the mode share values in the Transport Statement used ‘weighted’ data from a number of sources, including a market research ‘stated intention’ focus group, and a previous independent assessment for the same site.

22. I acknowledge that there is already a highly developed footpath and cycle path network in the area (which would be enhanced as part of the proposal). The site is within walking distance of South Queensferry town centre, and there are cycle routes from the town centre, Edinburgh, Fife and Kirkliston. There is very convenient access by rail via the improved footpath link from Dalmeny Station, with frequent services to and from Edinburgh Waverley and Glenrothes, and regular bus services to Edinburgh from the bus stop on Station Road. However, I agree with Queensferry and District Community Council that the limited services from the west, north west, south and south west indicate that visitors from those directions are less likely to use public transport to visit the site.

23. The committee report noted that there were 155 letters opposing the proposed development. The main objections related to additional traffic entering the Queensferry network, causing car parking problems and pollution and disruption to the village. The key areas of congestion were identified as around Dalmeny Railway Station and along Station Road. There is also concern that vehicles would park on Ashburnham Loan, which is a neighbouring residential estate with a footpath link to the site (via a footbridge) but with no parking restrictions, if there was inadequate car parking provision on site.

24. I have no doubt, based on my site visit and the evidence lodged in connection with this appeal, that there is a significant longstanding problem with on-street parking in South Queensferry. The railway station car park is heavily used at peak times, when parking spills onto Station Road. Similarly, the main town centre car park on the promenade

becomes full in busy periods and there is limited roadside parking nearby, other than at Hawes Brae which soon fills with cars on the north side of the road.

25. I share the concern of the community council and local residents that reducing the capacity of the car park at the proposed development would increase traffic congestion and parking issues at the promenade and on Hawes Brae. I agree with the community council's conclusion in its representation in support of the appeal, that parking would "be displaced to other areas surrounding the new facility that are already under severe pressure due to a lack of adequate parking provision."

26. A recent parking study by Arup in June 2020 which analyses the potential implications of reducing the capacity of the car park to 39 spaces bears out that concern. Arup predicts that the car park would be full from around 12:15 till approximately 19:30 hours, when as many as 17 cars would park outwith the site, which would occupy almost 100 metres of on-street parking space. Those cars would be likely to park in Ashburnham Loan, Hawes Brae, Dalmeny station car park and Station Road.

27. I appreciate the council's desire to encourage visitors to use sustainable modes of travel, which is consistent with national policy and development plan policy. However, bearing in mind the significance of the proposed development, which has the potential to become a major tourist attraction in Scotland, I consider that the car park should be designed to have the capacity to cater for vehicle traffic generated by the proposal, to ensure that the development does not exacerbate the severe parking problems already experienced in South Queensferry.

28. I conclude on the basis of the evidence discussed above that 39 car parking spaces would be inadequate to meet that requirement, and that this level of under provision would be likely to result in overspill parking on neighbouring streets. It follows that I also do not accept the argument advanced by one local resident that there is no need for a car park because of the excellent public transport links.

29. Moreover, I find that the restriction to 39 spaces is not justified by the council's parking guidance (which does not address this unusual type of development), or by the relevant development plan policy Tra 2 (which refers back to the parking guidance). Whilst the policy seeks to pursue lower provision, it acknowledges the need to consider the impact on residential occupiers through on-street parking. If insufficient parking spaces were provided on site, I would expect that the imposition of parking restrictions on Hawes Brae would merely transfer on-street parking to residential areas nearby.

30. On the other hand, the 78 parking spaces originally proposed would be a higher number than is justified by the evidence. Instead, I consider that 57 car parking spaces would be the appropriate scale of provision, which is supported by the Transport Assessment, to accommodate the likely level of demand associated with the proposed development.

31. The council's response to the appeal argued that the reduced number of spaces would lessen the impact on the existing landscape, reduce the amount of tree removal and

respect the setting of the Bridge as a category A listed building. However, I note that the stated reason for imposing the condition (to encourage sustainable forms of transportation to the development) makes no mention of those concerns.

32. In any case, most of the 30 or more trees (out of 587 trees across the site) to be removed to form the car park would not be retained if the car park were reduced in size, because they would still be affected by the disabled parking, turning circle, drop off area and fire access which need to be close to the building. At present the site of the proposed car park is mainly garden lawn. The car park would be well screened by existing planting, which is to be enhanced as part of the proposed development.

33. For the above reasons, in terms of the six tests for planning conditions set out in Circular 4/1998 I find that requirement of Condition 17 to limit the car park to 39 spaces would be *precise, enforceable, relevant to planning* and *relevant to the development to be permitted*, but that it is not *necessary or reasonable* to impose such a severe restriction in this case.

Other issues

34. On the basis of my site visit and the documents (including the council's report of handling) lodged in connection with this appeal, I have no reason to challenge the council's overall assessment of the planning application, or its principal conclusions that the proposed development and design are acceptable in principle and that the proposal would:

- comply with the development plan;
- preserve the character and setting of the listed buildings;
- preserve the character and appearance of the conservation area;
- preserve the outstanding universal value of the Forth Bridge World Heritage Site;
- have an acceptable impact on trees and biodiversity;
- have satisfactory provision for access and sustainable transport;
- not have an unduly detrimental impact on the amenity of nearby residents; and
- be generally sustainable.

35. I am unaware of any other material considerations which would justify refusing planning permission for the proposal.

Overall conclusions

36. Accordingly, I propose to allow this appeal and to modify Condition 17 so that it requires the provision of no more than 57 car parking spaces for visitors within the proposed development site.

Timothy Brian
Reporter