

Development Management Sub Committee

Wednesday 29 August 2018

**Application for Planning Permission 17/01183/FUL
At 70, 72 Newhaven Road, Edinburgh, EH6 5QG
Demolition of existing commercial buildings and erection of
52 residential flats (as amended units reduced to 49
residential flats).**

Item number	7.2
Report number	
Wards	A12 - Leith Walk (Pre May 2017)

Summary

The proposed development will contribute to the wider regeneration of the Bonnington area. The proposal provides a mix of 1, 2 and 3 bedroom flats, includes affordable housing and is acceptable in terms of scale, layout, design and materials. Adequate car and cycle parking is provided. The amenity of future occupiers is acceptable and enhanced by the site's location immediately south of the Water of Leith. Private balconies and terraces offer views on to the river. Impact on infrastructure will be mitigated through appropriate developer contributions.

There is a minor infringement in terms of height in relation to surrounding properties. This is acceptable as the higher storey heights adjacent to the bridge create an entrance statement for a residential development which has an attractive waterside location and delivers a sense of place.

SEPA objects to the principle of development but the Council's Flooding team is satisfied that the proposed mitigation is acceptable. Scottish Ministers will require to be notified should committee decide to grant the application.

Links

[Policies and guidance for this application](#)

LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LDES11, LEN03, LEN08, LEN09, LEN21, LEMP09, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LTRA09, NSGD02, NSGSTR, NSMDV, NSP,

Report

Application for Planning Permission 17/01183/FUL At 70, 72 Newhaven Road, Edinburgh, EH6 5QG Demolition of existing commercial buildings and erection of 52 residential flats (as amended units reduced to 49 residential flats).

Recommendations

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

Background

2.1 Site description

The site is located in the Bonnington area of Edinburgh.

The site is roughly triangular in shape and has an area of 0.45 hectares. It is generally flat with a slight drop in level from west to east. It is bound by Newhaven Road to the west with housing beyond. To the north is the Water of Leith and to the south there are light industrial buildings. New housing is currently being constructed to the south east of the site. Newhaven Road to the west of the site extends northwards over Bonnington Bridge. This bridge to the north west of the site is listed (listed reference LB 27168 30 March 1994).

There is a pedestrian/cycle path on the north side of the Water of Leith connecting to Newhaven Road. This forms part of the Water of Leith Walkway. There is no pedestrian access on the south side of the Water of Leith. The riverbank slopes down to the river at varying degrees and is covered with a combination of self-seeded plants and recent tree planting. A stone wall follows the line of the water on the south river bank.

The site is bound on its southern boundary by the former mill lade which once powered the mill and was controlled by sluice gates at the extreme eastern corner of the site. Other than the remains of the eastern sluice gate, little visual evidence of the lade remains.

The site currently accommodates a former industrial site and is known as Bonnington Mills. This comprises a collection of industrial buildings of two storey cottages and a number of three storey workshops, offices, studios and commercial units adjacent to Newhaven Road. All the buildings are currently vacant. A large area to the east is a paved car park extending to the Water of Leith walkway.

2.2 Site History

26 June 2007 - Planning permission granted for the erection of new development of small business units at 70 Newhaven Road (application number 06/01441/FUL).

Other relevant applications:

9 May 2000 - Planning permission granted for the construction of new walkways including an elevated walkway section and proposed footbridges on the Water of Leith Walkway on the embankments from Bonnington Bridge at the Water of Leith (application number 00/00815/FUL).

27 January 2011 - Planning permission granted for the replacement and modifications to existing floodwalls of the southern abutment of Bonnington Bridge, Newhaven Road (application number 10/03128/LBC).

Main report

3.1 Description Of The Proposal

The proposal is for the construction of 49 flats. The proposal comprises three separate flatted blocks looking on to a central area. Block A is four storeys and fronts Newhaven Road. Blocks B and C are connected; the heights are four and five storeys respectively and they front the Water of Leith. Blocks D and E are connected. They are five storeys in height and sit to the east of blocks B and C. The development will provide 12 one bed flats, 26 two bed flats and 11 three bed flats. There will be 13 affordable units located in block A. The proposal has a density of 108 units per hectare.

There will be one access to the development from Newhaven Road. Thirty nine parking spaces are provided for the flats. These include five accessible spaces. Cycle storage is provided internally within each block near the main entrances. Visitor cycle storage is also provided. Cycle storage provides for 79 cycles in total.

The design of the flats is contemporary and simple. Materials proposed for external walls are a light coloured multi buff brick, with a smooth light render. There are dark grey powder-coated aluminium panels between some windows. The roof comprises a grey single ply membrane. The windows are dark grey recycled uPVC. The doors are painted timber. Gutters and downpipes are black uPVC. Canopies, balconies and railings are dark grey powder coated steel. Boundary treatment comprises low level brick walls with powder coated steel railings, post-and-wire and coated weld-mesh fencing with beech hedging.

The area of open space within the site is 0.112 hectares. The useable open space is concentrated in the areas between and adjacent to the flatted blocks. An amenity space is located between blocks C and D and fronting the Water of Leith. This space has seats and is defined by low hedging and ornamental tree planting. Blocks A and E have a defined amenity space next to their entrances. Thirty three flats have private external balconies or terraces. Edges to car parking areas and boundary fences are to be screened with hedging. An existing stone wall runs along the northern edge of the site parallel with the Water of Leith.

A pedestrian/ cycle link between the Water of Leith and Newhaven Road will run along the south edge of the site.

Each flatted block has an integral bin store for waste and recycling at ground floor level.

Supporting Statements:

- Sustainability statement,
- Design and Access Statement,
- PAC report,
- Flood Risk Assessment,
- Noise Impact Assessment,
- Economic Statement,
- Transport Assessments parts 1-4,
- Ecology report,
- Bat assessment survey report,
- Transport Quality Audit parts 1 & 2,
- Surface Water Management Plan, and
- Archaeology Desk Based Assessment.

These documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services.

Schemes 1 and 2

The original scheme comprised a five-storey block B which impacted on a key view within the city. The reduction in height of block B reduced the total number of flats from 52 to 49. The original scheme had cycling storage on the upper floors and no direct footpath/cycle link through the site. Changes were also made to the original design to allow for flooding mitigation.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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) The proposals preserve the character of the listed structure;
- c) The design, scale, materials and density are acceptable;

- d) The development provides appropriate amenity for future occupiers;
- e) The proposed access and parking arrangements are acceptable;
- f) The development meets sustainability criteria;
- g) The proposal has any equalities or human rights impacts;
- h) There are other material planning considerations; and
- i) Whether representations raised have been addressed.

a) Principle of development

The site is within the urban area of the adopted Edinburgh Local Development Plan (LDP). LDP Policy Hou 1 supports housing on suitable sites in the urban area provided proposals are compatible with other policies. The proposed development will help meet housing need and contribute to the wider regeneration of the area by introducing housing on an urban infill site.

The development site is located within the area covered by the Bonnington Development Brief (August 2008). The brief seeks to ensure a co-ordinated approach to the regeneration of the Bonnington area and is a material consideration. The brief states that new developments along the Water of Leith should; preserve the natural environment and enhance its role as a green corridor and pedestrian walkway and; maintain the existing character of the riverside which is predominantly vegetated. The brief also seeks to establish attractive and safe pedestrian/cycle routes along desire lines to connect existing walkways. The proposal complies with the requirements of the brief.

LDP Policy Emp 9 states that business floorspace should be provided for a range of users if a site is larger than 1 hectare. The area of this site is 0.45 hectares, therefore the requirements for business floorspace do not apply.

The site was formerly known as Bonnington Mill and comprised a collection of industrial buildings, workshops, studios and commercial units. The applicant submitted an Economic Statement which provides an independent assessment of the supply of, and demand for business uses within the Bonnington Area. The Statement calculates the net economic benefit of the proposal and sets out a justification for the residential-only nature of the proposals. Economic Development has reviewed the Statement. It concludes that although the proposal will reduce the amount of available industrial space in the city, it is below the threshold to enforce an employment use to be included in the site. It confirms that the creation of residential units has the potential to contribute to Edinburgh's economy through the potential increase in spend in the area due to an increase in population.

The application accords with LDP Policy Des 2 and complies with the key requirements of the Bonnington Development Brief in terms of pedestrian and cycle permeability, and enhancement of the Water of Leith corridor.

The principle of development is acceptable.

b) Setting of the listed structure

Bonnington Bridge is a B listed structure. It lies to the north west of the site and takes Newhaven Road over the Water of Leith. The north west corner of the proposed development is approximately 3.62 metres from the edge of the bridge. There are no listed buildings in the vicinity of the proposed development site.

LDP Policy Env 3 allows development in the setting of a listed structure where it is not detrimental to the architectural character, appearance or historic interest. Block B is the part of the housing layout which is closest to the bridge. The height of the block has been reduced from five to four storeys. There are private terraces on the corners of this block on the ground and third floors of the block. There is a grassed area providing a buffer between the building and the bridge.

The existing boundary wall to the north of the site between the proposed building line and the Water of Leith will be retained as it contributes to the character of the area.

The proposal has no detrimental impact on the architectural character, appearance or historic interest of the bridge. The proposal complies with LDP Policy Env 3.

c) Design, scale, materials and density

LDP Policies Des 1, Des 3 and Des 10 relate to the layout creating or contributing towards a sense of place. The main feature of this site is its relationship with the Water of Leith and the layout create a sense of place by forming three separate blocks arranged around a landscaped parking area. Two of the blocks front on to the Water of Leith allowing future residents to enjoy the view northwards. The main amenity space for the area is also located on this northern edge, allowing users of the amenity space to enjoy the proximity to the Water of Leith. The proposed flats incorporate balconies which contribute to their amenity.

The proposal helps to contribute to a sense of place and the design utilises the presence of the Water of Leith. The proposal complies with LDP Policy Des 1.

LDP Policy Des 3 ensures that existing characteristics either within the site or located within the surrounding area are retained and used to enhance the design. A one metre stone wall runs parallel to the northern edge of the site. The wall is incorporated into the design to distinguish the useable amenity space to the south of the wall from the non-useable amenity space to the north. Hedging will be planted adjacent to the wall on its southern edge to soften its appearance.

The proposal complies with LDP Policy Des 3.

LDP Policy Des 10 assesses sites which are adjoining a watercourse. The proposed housing site is immediately south of the Water of Leith. The rear elevations of blocks B and C front the river. The north and east elevations of blocks D and E front the river. Block B is four storey and block C adjoining increases to five storey. Blocks D and E are five storey. The north elevations of these blocks provide an attractive frontage to the Water of Leith. The elevations are periodically set back, the dominant material is brick, balconies look on to the river and the flats have a roofline with varying heights and detail. A public foot/cycle path connects Newhaven Road with the remaining Water of Leith walkway on the north embankment of the river course. This is the opposite embankment from the proposed housing therefore any noise or light disturbance from the proposed housing would not affect users of the walkway, nor does the proposal affect the character of the walkway.

There is no additional foot/cycle path on the south embankment of the Water of Leith where the proposed blocks B and C are located. The stone wall marking the southern edge of the non-useable amenity space along the southern embankment of the river will help maintain and enhance the nature conservation and landscape interest of the Water of Leith.

The proposal complies with LDP Policy Des 10.

LDP Policy Des 11 sets out the criteria for allowing tall buildings and safeguarding important views of the city's skyline. Block A fronts Newhaven Road and is four storeys. The buildings surrounding block A vary in height from two storeys immediately adjacent to five storeys further south along Newhaven Road. The location of block A, adjacent to Bonnington Bridge, is a prominent site which can accommodate a feature corner building block which is higher than the immediate surrounding area. The five storey blocks on the remainder of the site are acceptable as the site slopes downwards towards the east.

The site is located within the key view N4C as identified within the Edinburgh Design Guidance. This is the key view from Newhaven Road and Warriston Path to Calton Hill. Scheme 1 of the proposal showed block B as five storey which blocked the view of both Calton Hill and Salisbury Crags from Newhaven Road. Scheme 2 has reduced the height of block B to four storey which safeguards these two important points on the city's skyline.

A minor infringement of LDP Policy Des 11 exists as the four storey block A is two storeys higher than the commercial buildings adjacent to the site. This is acceptable as this prominent site adjacent to Bonnington Bridge can accommodate higher storey heights. A four-storey block will create a significant entrance statement for a residential development which benefits from a waterside setting and creates a sense of place.

LDP Policy Des 4 sets out the criteria for development design and the impact of new development on its setting, including the impact on existing views. Scale and materials are also considered in this policy. The heights of the buildings at four and five storeys create a statement on a very prominent corner site adjacent to the Water of Leith. The scale of the development is acceptable in this location as the site is at a lower level than Newhaven Road and slopes down even further towards the east away from Bonnington Bridge. There are sufficient spaces between buildings with amenity areas, treeplanted area and landscaped car parking interspersed throughout the layout.

A simple palette of materials is proposed. Buff facing brick with light render ties in well with the properties in the surrounding area. External materials along with the dark grey framed windows and grey powder coated copes, cills, flashings and infill panels are all acceptable. A standard condition will still be attached requesting that sample panels of materials be submitted for the approval prior to work starting on site.

The proposal complies with LDP Policy Des 4.

d) Amenity for future occupiers

The proposal accords with LDP Policy Hou 2 as it provides a mix of 12 one bedroom (24%), 26 two bedroom (53%) and 11 three bedroom flats (22%). This is an acceptable mix of flat sizes and complies with the Edinburgh Design Guidance in terms of provision of family homes. All 49 flats meet the minimum standards of internal space set out in the Edinburgh Design Guidance.

Environmental Protection has requested that appropriate design specifications for glazing will be necessary to mitigate road traffic noise in habitable rooms in blocks A, B and C. A suitable condition is attached to address this.

LDP Policy Hou 3 sets the requirement for private green space in new flatted development. Communal provision is based on 10 square metres per flat, with a minimum of 20% of the total site area to be useable open space. A communal amenity space is located on the south embankment of the Water of Leith between blocks C and D. The area is defined by low hedging and native species, ornamental trees, post and wire fencing following the line of the flood wall to maintain clear views to the river. Blocks A and E also have their own defined amenity space next to their courtyard entrance with more formal, ornamental tree planting and hedge screening. The majority of flats also benefit from a generously sized, private external balcony or terrace, with all flats in blocks B to E having a view to the river.

The communal amenity space totals 0.112 hectares (24% of the total site area) and complies with LDP Policy Hou 3.

e) Access and parking arrangements

The proposed vehicular access to the development is from Newhaven Road. The proposed access is acceptable.

The application is assessed under the 2009 parking standards. The standards require a minimum of 38 parking spaces for the 38 private units and 2 spaces for the 11 affordable units. Thirty nine car parking spaces are being provided. Of this total, five spaces are accessible. There are no electric charging points shown on the drawings. Environmental Protection has requested that a condition is attached requesting one charging point to be installed in the car parking area. Two spaces which were located in front of bedrooms in block C have been removed and replaced by landscaping. Trees and landscaping are interspersed throughout the development which reduces the perception that car parking is dominant.

There is storage for 67 resident cycles and 12 visitor cycles. This provides a total of 161%. All the resident cycle storage is integrated within the development and is secure. The visitor cycling is located in an external store at the end of the car park area.

LDP Policy Des 7 requires pedestrian and cycle routes to be connected with the wider network. A pedestrian cycle route is proposed along the southern edge of the site connecting the Water of Leith walkway with Newhaven Road.

The access car parking and cycle storage provision is acceptable.

f) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposed development will meet current Building Standards. The use of photovoltaic solar panels will assist carbon reduction.

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

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential requirements of the Edinburgh Standards for Sustainable Buildings.

g) Equalities and Human Rights Impacts

This application was assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards Online Services.

h) Other material planning considerations

Affordable Housing

LDP Policy Hou 7 requires 25% affordable housing provision. For the proposed development this equates to 13 units. The applicant has identified a suitable RSL who will deliver a mix of 1, 2 and 3 bedroom homes. The affordable housing will be provided in block A which fronts on to Newhaven Road and will be tenure blind. The applicant will be required to enter into a legal agreement to secure the delivery of the affordable housing.

Education

The site lies within the Drummond Education contribution zone.

The Council has assessed the impact of growth set out in the LDP through an Education Appraisal (January 2018) taking account of school roll projections. The Council's assessment has identified where additional infrastructure will be required to accommodate the cumulative number of additional pupils from developments coming forward in this area.

Based on 37 flats and not including one bedroom flats, the total contribution is £31,672 towards education infrastructure (Index from Quarter 4 2017 to the date of payment).

The applicant will be required to enter into a legal agreement to secure the delivery of this contribution.

Flooding

The proposal will provide adequate drainage. The Council's Flood Team has confirmed that sufficient information has been submitted to satisfy flooding arrangements.

SEPA has objected to the principle of residential development on this site on the grounds of flood risk. A number of meetings have taken place with SEPA to understand the context and wider implications of the objection.

The site is located adjacent to the Water of Leith and benefits from the Water of Leith Flood Protection Scheme (FPS). In August 2017, SEPA published a Planning Information Note 4 which sets out the position that it now takes for development behind a FPS. In summary, where a planning application will result in a land use change to a highly vulnerable use such as residential, SEPA requires the development to be protected to a 1:200 year standard including an appropriate allowance for climate change. However, SEPA is now concerned that this climate change allowance may not be sufficient and therefore objects to the principle of housing development on the site.

SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce flood risk and promote sustainable flood risk management. It states that the cornerstone of sustainable flood risk management is the avoidance of flood risk. It is SEPA's view that vulnerable uses such as a residential development should be directed to alternative locations rather than incorporating mitigation measures.

However, SEPA recognises that in determining applications, planning authorities have to consider a range of material considerations as well as flood risk. There may be circumstances where applications are granted planning permission despite an objection from SEPA.

In this instance, SEPA has stated that, should the Council be minded to approve the application, it recommends that:-

- finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard;

- flood resistant and resilient design and materials are included; and
- safe flood free access can be provided.

The applicant has amended the proposals to meet these requirements and the Council's Flooding team is satisfied that the mitigation proposed is acceptable. Notwithstanding SEPA's objection to the principle of residential development, this proposal has been designed to mitigate potential flood risk and accords with LDP policy ENV 21 Flood Protection. As SEPA has objected to the application, if the Council is minded to grant planning permission, it must notify Scottish Ministers

Archaeology

There are a number of former mill buildings on the site which are now vacant. Although considered by the City Archaeologist to be historically significant, some of the buildings have been significantly altered over the years and none are listed. The City Archaeologist requires that if consent is granted it is essential that a detailed historic building survey is undertaken prior to and during their demolition. This will be secured by a condition.

i) Matters raised in representations

Six representations were received in response to the application. All the representations raised concerns about the proposals.

Material Representations - Objections

- Loss of significant buildings. Addressed in 3.3 (h).
- Height of development will have a detrimental impact on landscape. Addressed in 3.3 (c).
- Car parking and traffic problems will worsen. Addressed in 3.3 (e).
- Proposed junction conflicts with junction opposite from Bonnyhaugh Lane. Addressed in 3.3 (e).
- No environmental survey has been undertaken. An ecology report was submitted to support the planning application and this can be viewed on the Planning and Building Standards On-line Services.
- Adverse impact on listed bridge. Addressed in 3.3 (b).
- Adverse effect on the character of the Water of Leith walkway. Addressed in 3.3 (c).
- Scale, density and height will overshadow road and buildings on opposite side of street. Addressed in 3.3 (c).
- Adverse effect on listed buildings nearby. Addressed in 3.3 (b).
- Adverse effect on nearby conservation area. Addressed in 3.3 (b).
- Design is bland, with little character and relationship to area's heritage. Addressed in 3.3 (c).
- Noise and light from development will cause a nuisance to users of walkway. Addressed in 3.3 (c).
- Significant adverse archaeological impact. Addressed in 3.3 (h).

Leith Central Community Council submitted representations. It stated that it had no issue with the principle of housing development in this location, but had concerns regarding the following areas:-

- Key view from Newhaven Road to Calton Hill will be affected by height of block adjacent to Newhaven Road. Addressed in 3.3 (c).
- Poor sight lines for traffic exiting the proposed development towards Bonnington Bridge. Addressed in 3.3 (e).
- Footpath edging the development on Newhaven Road is narrower than the footpath to the north and south of the application site.
- Car parking space within the development is dominant. Addressed in 3.3 (f).
- Cycle parking is uncovered. Addressed in 3.3 (e).
- Proposed development will create more surface water run-off than the existing buildings. A revised surface water management plan was submitted in support of the application. CEC Flood Team have confirmed that the contents of the plan are acceptable.
- Proposal is located within a flood plain. Addressed in 3.3 (h).
- Applicant should contribute to the substitution of employment space in the vicinity. Addressed in 3.3 (a).

Non-material issue raised:-

- Development will cause noise and disturbance early morning weekdays and weekends.

Conclusion

The proposed development for 49 flats will contribute to the wider regeneration of the Bonnington area. The proposal provides a mix of 1, 2 and 3 bedroom flats, includes affordable housing and is acceptable in terms of scale, layout, design and materials. Adequate car and cycle parking is provided. The amenity of future occupiers is acceptable and enhanced by the site's location immediately south of the Water of Leith. Private balconies and terraces offer views on to the river. Impact on infrastructure will be mitigated through appropriate developer contributions.

Flooding arrangements for the site are acceptable to CEC's Flood Team. However, SEPA are objecting on the grounds that there is a risk of flooding of the proposed buildings. In view of this outstanding objection, as SEPA are a statutory consultee, the Scottish Ministers will require to be notified should committee decide to grant the application.

The principle of the development is acceptable, the proposal accords with the development plan and there are no material considerations which justify refusal.

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. The following noise protection measures to the proposed development, as defined in the KSG Acoustics report 'Environmental Noise Assessment' report (Ref 1563/R2) dated 16 May 2017:
- Glazing units with a minimum insulation value of 6/12/6.4 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block A's west facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.
 - Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block A's north-facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.
 - Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block B/C's west facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.
 - Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block b/C's north facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.
- shall be carried out in full and completed prior to the development being occupied.
3. Sample/s of the proposed shall be submitted to and approved in writing by the Planning Authority before work commences on site.
4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

5. Prior to the use being taken up, one rapid electric vehicle charging point, capable of 70 -50kW (100 Amp) DC with 43kW (63 Amp) AC output shall be installed in the car parking area.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to ensure the most efficient and effective rehabilitation of the site.
2. In order to protect the amenity of the occupiers of the development.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to safeguard the interests of archaeological heritage.
5. In order to protect the amenity of the occupiers of the development.
6. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. The applicant shall enter into a suitable legal agreement in respect of the following:
 - i) Education contribution of £31,672 towards infrastructure (Quarter 4 2017 value to be indexed at point of payment).
 - ii) Affordable housing (13 units).
2. 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.
3. 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.
4. A contribution of £2,000 shall be made to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development.
5. A contribution of £2,000 should be made to progress a suitable order to introduce waiting and loading restrictions as necessary.

6. A contribution of £2,000 should be made to progress a suitable order to control on-street disabled parking spaces.
7. A number of transport related matters have been highlighted by the Transport Officer in their response. The applicant should take note of these matters.
8. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.

Financial impact

4.1 The financial impact has been assessed as follows:

A legal agreement will be required to secure developer contributions towards affordable housing and education provision.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application has no impacts in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice was submitted and registered on 4 November 2016.

Copies of the Notice were also issued to:-

- Leith Central Community Council
- All ward councillors.

A public exhibition was held on 13 December 2016 at McDonald Road Library. A meeting was held with Leith Central Community Council on 19 December 2016. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online Services.

A pre-application report on the proposals was presented to Committee on 1 February 2017. The Committee noted the key issues outlined in the report and requested that:-

- Consideration be given to flood prevention measures and sewage issues.
- Consideration be given to space, car parking issues and encouraging the use of public transport and of the City Car Club.
- There be an impact assessment on the loss of space, in relation to commercial units and small businesses.

8.2 Publicity summary of representations and Community Council comments

Six representations were received including one from Leith Central Community Council. One non-material comment was also raised. All the representations raised concerns about the proposals.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is within the urban area of the adopted Edinburgh Local Development Plan (LDP).

It is located within the area covered by the Bonnington Development Brief (August 2008).

The site is adjacent to the Water of Leith Local Nature Conservation Site.

Date registered

15 March 2017

Drawing numbers/Scheme

01, 02, 03I, 04B, 05B, 06D, 07A, 08B, 09B, 10, 11D, 12B, 13B, 14B, 15C, 16C, 17A, 18A, 19A, 20A, 21B, 22C, 23E, 24B, 25B,, 26B, 27B, 28, 29E, 30A, 31, 32B, 33.,

Scheme 3

David R. Leslie
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PLACE
The City of Edinburgh Council

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Links - Policies

Relevant Policies:

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP 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.

LDP 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.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

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.

Appendix 1

Application for Planning Permission 17/01183/FUL At 70, 72 Newhaven Road, Edinburgh, EH6 5QG Demolition of existing commercial buildings and erection of 52 residential flats (as amended units reduced to 49 residential flats).

Consultations

Economic Development response – dated 21 June 2017

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 the provision of an adequate supply of workplaces.

Commentary on existing uses

The site is currently home to 2,166sqm of industrial use partly occupied by several small businesses with the remaining units vacant. If fully occupied, this space could be conservatively estimated to directly support 46 full-time equivalent jobs.

Edinburgh is currently experiencing a shortage of this type of space. As set out in the 'Industrial Supply and Demand' paper considered by the Council's Economy Committee on 15 September 2015, there are significant pressures on the availability of industrial space in Edinburgh due to the rapid loss of space to alternative uses coupled with steady demand and a sluggish development pipeline.

Commentary on proposed uses

The application is for 52 residential units; the application is exclusively for housing and therefore would not directly support any employment but has the potential to make a modest contribution to economic growth via increased household expenditure. However, this is a matter that Planning are best placed to assess in terms of whether this proposal represents sustainable growth.

Summary

The development as proposed will reduce the amount of available industrial space in the city. However, the site area is below the threshold to enforce an employment use being included in the site. The creation of residential units has the potential to contribute to Edinburgh's economy through the potential increase in spend in the area due to the increase in population.

Environmental Protection response – dated 30 October 2017

The existing site comprises of office accommodation and approximately 50 car parking spaces. The site is bounded to the east by Newhaven Road and Bonnington Bridge, beyond which lies an existing residential development. It is bounded to the north by the Water of Leith. Further to the north are the rear aspects of the closest commercial premises of West Bowling Green Street. South and east of the proposed development are existing commercial uses in the furthest reaches of Bonnington Industrial Estate.

The applicant proposes developing 52 residential flats comprising 3 buildings over 4 floors. The existing access from Newhaven Road will be adapted and retained with an actual net reduction in car parking numbers when compared with the existing use.

The proposed 'Block A' will be located in the south west aspect and will front on to Newhaven Road with its east façade facing towards the courtyard that will be created by the 3 buildings proposed. The courtyard will provide parking for the development and a common landscaped area. The proposed 'Block B/C' will have its principle façade facing south towards the courtyard with the north façade facing out over the Water of Leith. Its short west façade will face on to Newhaven Road and the east façade will face on to development parking and will overlook the Water of Leith as it curves to the south east. The proposed 'Block D/E' will be located east of the 'Block A' with its north and east facades facing towards the Water of Leith, the west façade facing towards the courtyard and the south façade facing towards the existing commercial uses in Bonnington Industrial Estate. There is communal amenity space proposed to the east of 'Block D/E' and accesses through the development linking to the Water of Leith cycle path. The current floor plans indicate a mixture of bedrooms and living-rooms on all facades with communal facilities, for example, refuse and cycle store facilities, incorporated at ground floor.

Noise

The applicant has submitted supporting noise impact assessments due to the neighbour commercial uses and proximity to major roads. The results of the assessment indicate that appropriate design specifications will be necessary to mitigate road traffic noise ingress to habitable rooms in 'Blocks A and B/C'. Minimum specifications for double glazing and trickle ventilation will be required to ensure amenity is protected. Environmental Protection shall recommend conditions are attached if consent is granted.

Contaminated Land

Due to the historic land use ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).

Local Air Quality

The proposal includes the provision of 41 parking spaces and is located in close proximity to Great Junction Street (Leith), Inverleith Row and City Centre Air Quality Management Areas. The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken. Due to the low number of parking spaces Environmental Protection has not requested any supporting material however would highlight that reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the second Edinburgh Local Development Plan (LDP). The LDP acknowledges that growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality.

The applicant states that the proposed development is intended to provide high quality, sustainable homes, therefore the applicant must consider incorporating electric vehicle charger points for future tenants to use.

It is highlighted in Edinburgh'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 EV charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. . It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- * Dedicated parking spaces with charging facilities.
- * Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Protection recommends that at least one EV charging outlet should be of the following standard serving the future residents:

70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Grants are also available for the installation of EV charge points from the Scottish Energy Saving Trust. More information can be found at:

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>.

The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches and encourage the public sector to lead the way, with developers incorporating charging points in new developments.

Therefore, Environmental Assessment offers no objection subject to the following conditions;

1. 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.

2. The following noise protection measures to the proposed development, as defined in the KSG Acoustics report 'Environmental Noise Assessment' report (Ref 1563/R2) dated 16 May 2017:

- Glazing units with a minimum insulation value of 6/12/6.4 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block A's west facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.

- Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block A's north facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.

- Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block B/C's west facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.

- Glazing units with a minimum insulation value of 4/10/6 mm double glazing shall be installed for the external doors and windows of the habitable rooms in block B/C's north facing elevation and supported with trickle vents capable of a sound reduction of $D_{n,e,w}$ 33dB.

shall be carried out in full and completed prior to the development being occupied.

3. Prior to the use being taken up, one rapid electric vehicle charging point, capable of 70 -50kW (100 Amp) DC with 43kW (63 Amp) AC output shall be installed in the car parking area.

Children and Families response – dated 8 February 2018

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (January 2018).

Assessment and Contribution Requirements

Assessment based on:

37 Flats (12 one bedroom flats excluded)

This site falls within the 'Drummond Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Supplementary Guidance.

The Education Appraisal considered the impact of potential new housing sites within the urban area, such as the application site. Appropriate education infrastructure actions to mitigate the cumulative impact of development are identified. The required contribution will therefore be based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£31,672

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

SEPA response – dated 22 March 2018

I refer to the above and our previous correspondence including our letter of 1 June 2017. Subsequently we met twice with The City of Edinburgh Council (CEC) to discuss what information was available to clarify the likely Standard of Protection (SOP) afforded by the Water of Leith Flood Protection Scheme.

A detailed report is appended to this response and in summary the uncertainties noted therein do not allow us to conclude that the SOP is sufficient to demonstrate that this planning application conforms to our position on development protected by a Flood Protection Scheme (see 1.2 below)

Our Agency Management Team has supported this position and we are currently seeking to organise a director-level meeting with CEC to assist all parties in clearly understanding the implications of this position.

Advice for the planning authority

We object in principle to this planning application on the grounds of flood risk that it may place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP).

Please refer to the appended technical flood risk report (Appendix 1) for our detailed comments.

1. Summary

1.1 It is proposed to redevelop a commercial building behind the Water of Leith Flood Protection Scheme to residential flats. In accordance with our Flood risk and vulnerability guidance residential developments are classed as highly vulnerable. This is an increase in vulnerability from the previous use and will introduce new risk receptors who are more vulnerable to the effects and impacts of flooding.

1.2 In line with SPP and our duties under the Flood Risk Management (Scotland) Act 2009, our position is that proposed developments are only acceptable behind a flood protection scheme if the scheme is built to an appropriate standard. The minimum appropriate standard of a scheme is determined by the land use vulnerability category of the proposed development. For highly vulnerable developments such as this, the minimum appropriate standard of protection is 0.5% (200 years) plus climate change. This position is explained in our Planning Information Note 4 – SEPA Position on development protected by a Flood Protection Scheme. The position explained in this information note has been approved at the highest level within SEPA by our Agency Management Team.

1.3 Whilst we understand that the site is afforded some level of protection from the Water of Leith Flood Protection Scheme there are uncertainties associated with the standard of protection the scheme affords. We do not consider, based on best science, that the allowance for climate change is adequate to meet the projected increase in flood risk in the coming year. As such the Water of Leith FPS does not provide the minimum standard of protection that we require for highly vulnerable land uses. The location of the proposed development is within the functional floodplain of the Water of Leith and although behind a FPS will continue to be at risk during a 0.5% (200 year) AP plus climate change event.

1.4 As highlighted in the Scottish Government's online planning advice on flood risk (paragraph 21) flood protection schemes can reduce flood risk, but they cannot eliminate it entirely. Their primary purpose is to protect existing development from flood risk rather than to facilitate new development. For this reason the principle of avoidance should be promoted for any proposed development in areas protected by such schemes (Scottish Planning Policy paragraph 255). This is particularly important if the flood protection scheme does not provide an acceptable standard of protection for the proposed site. As such, we object in principle to the current planning application as we do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change.

1.5 Ensuring that developments proposed behind flood protection schemes are suitable for the location and designed to be resilient contributes to the delivery of sustainable flood risk management. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. We recommend that alternative locations, or least vulnerable uses are considered.

1.6 No detailed Flood Risk Assessment (FRA) has been undertaken as part of this application. However, based on the information provided, without prejudice, a further FRA may only serve to show that the site is at risk of flooding and we would be unable to support development where there is an increase in vulnerability of land-use type.

1.7 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1.8 Notwithstanding this position we have included our review of the information supplied below. Provision of this review does not imply that we consider there to be a technical solution to managing flood risk at this site which meets with Scottish Planning Policy.

1.9 Comments within our previous response, dated 1 June 2017, regarding waste and surface water drainage and protection of the water environment are still applicable to this planning application.

Regulatory advice for the applicant

2. Regulatory requirements

2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

2.3 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

2.4 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office.

Appendix 1: Technical flood risk report:

Site: Demolition of existing commercial buildings and erection of 52 residential flats (affordable housing), 70 and 72 Newhaven Road, Edinburgh

SEPA Ref: PCS/154486 Planning Ref:17/01183/FUL

Documents Reviewed:

Will Rudd Davidson FRA dated 08/03/2017

Location Plan (ref. no. 1949-00-010 A, dated 03/11/2016

Design and Access Statement (15/03/2017)

See also Appendix 2 – further documents reviewed

1. We were consulted in April 2017 and based on the documentation provided as part of the Flood Protection Scheme (FPS) we understood the scheme offered protection above a 1:200 year flood level including a 12% allowance for climate change. At that time, we required development to be located out with the 1:200 year flood extent, and we recommended that mitigation was provided to take account of the future climate change predictions.

2. In August 2017, we published the SEPA Planning Background: Flood Risk paper and Planning Information Note 4: SEPA Position on development protected by a Flood Protection Scheme. This sets out the position that SEPA now take for development behind a FPS. As the proposed development from commercial to residential flats will result in a land-use change from least vulnerable to highly vulnerable, based on our vulnerability guidance, we require the development to be protected to a 1:200 year standard of protection including an appropriate allowance for climate change. To be confident in the standard of protection offered by the scheme for all current and future phases, we undertook an extensive review of the FPS documentation, spanning the last 18 years.

3. We have reviewed the flood protection scheme documentation held by SEPA, City of Edinburgh Council (CEC), and Scottish Government. We do not own these documents therefore should you wish to review these documents, please approach the council in the first instance. We have not included our entire review of the scheme in this response, but focused our response on the limitations of the scheme along this area of interest. Our position has been agreed with SEPA agency management teams and will thus be used to inform any future responses along the Water of Leith that is offered protection by the FPS, and any areas that use the output from the FPS model to assess flood risk to the site.

4. The remaining uncertainties of the scheme after a review of all readily available documentation includes flow estimates, storm durations, reservoir operation, urban assumption, climate change allowance, bridge blockage and sensitivity analysis, and freeboard. These uncertainties are elaborated upon below.

5. Flow estimates only include the gauged record which is approximately 55 years long at Murrayfield gauging station. Two significant events in 1920 and 1948 are not included within the gauged record and therefore not included within the analysis. Single Site analysis is dependent on the length of the gauged record and the flood events that are captured within the record. Some further analysis was undertaken by SEPA using the historical information function available in the newly released WINFAP-FEH version 4. This preliminary analysis indicated that the April 2000 flood event may be closer to a 1:70 year return period, rather than a 1:100 year return period. Our analysis indicates that the 1:200 year peak flow at Murrayfield gauging station may be 20-38% greater than predicted within the OVE Arup & Partners Ltd Water of Leith Flood Prevention Scheme Hydrological and Hydraulic Design Report Volume 1 (2003). There are also uncertainties associated with the theoretical stage-discharge calibration at the upstream Colinton gauging station and the peak flow that the Murray Burn can generate, bearing in mind it is heavily culverted.

6. The storm duration used in the study is 10.5 hours at Colinton. It is worth noting that the flood generating storms on the Water of Leith have been over 10.5 hours in the past, and closer to 24-48 hours in duration.

7. As longer duration storms have caused the greatest flooding along the Water of Leith, the ability of the reservoirs to function as designed during extended wet period remains untested. To ensure that water levels in the reservoir are as low as designed, there was the potential to utilise draw-offs however the council have confirmed that this is not done. At a meeting with CEC they noted that the reservoirs were designed to be left “as be” and not drawn down prior to a predicted storm and have subsequently confirmed the draw-offs are not used to lower water levels quicker after an event. This is in contrast to the documents produced as part of the scheme design and subsequent local inquiry. For example, the Public Local Inquiry Ancillary Documents and Reports (February 2004) notes that “The principle of maintaining as much storage as possible in the reservoirs until needed leads to the logical conclusion that the reservoir draw-off valves should be opened during the early stages of a flood event to release water.” Also the OVE Arup & Partners Ltd Reservoir Function, Control Systems and Telemetry report (August 2004) notes the preferred solution was to utilise the existing draw-offs in Threipmuir and Harperrig to release greater volumes in the lead-up to a storm, and greater volumes can also be released after a flood has occurred. Therefore, there would appear to be greater uncertainty regarding the storage that the reservoirs might provide during extended wet periods or back-to-back storms. This uncertainty is compounded by Section 3.2.1 of the OVE Arup & Partners Ltd Water of Leith Flood Prevention Scheme Hydrological and Hydraulic Design Report Volume 1 (2003), which notes that the peak 1:200 year flow including a 12% climate change allowance at Murrayfield is 95.5m³/s. This is derived for the unreservoired portions of the catchment with no contribution from the reservoired catchment. This would appear to be the same value as was used in the latest model, but we understood that figure to include approximately 6m³/s from the reservoirs.

8. The number of combined sewer overflows complicate the hydrology. Due to the assumption that the urban catchment would have a quicker response time than the arrival of the dominant rural flood peak, Baptie’s chose to reduce the urban catchment area by 21km² as these areas would drain to the combined sewer network. Should this assumption be wrong, the report estimates that flood levels at the Colonies and downstream would be approximately 200mm higher.

9. The applied climate change allowance is only a 12% increase and this has been applied to a peak flow estimate reduced to take account of the reservoir operating as designed, i.e. drawn down prior to a storm. Although documentation in 2002 and 2003 mentions higher climate change uplifts of 19-20%, an uplift of only 12% was applied. The rationale for this lower value is outlined in OVE Arup & Partners Ltd Response to Reporter’s Report (2005) which states that “Current SE [Scottish Executive] guidance recommends that fluvial flows may increase by 20-30% by 2080, which would equate to a 16-24% increase by 2065 (the scheme has a 60 year design life)...The current SE guidance figures may well represent a realistic estimate. What is not realistic is the prospect of gaining planning permission for floodwalls higher than those in the current scheme. If the current SE predictions prove correct, then the scheme will continue to provide a 1 in 200 Standard of Protection for up to 45 years.” It is worth noting that the lifetime of the proposed residential development would likely be greater than the lifetime of the scheme, especially since this report was published 13 years ago.

10. Partial Bridge blockage is a risk that cannot be eliminated entirely, although continual maintenance will reduce this risk. It is worth noting that bridge blockage scenarios were not fully investigated as part of the sensitivity analysis. We understand that the only blockage scenario that was investigated was parapet blockage and not blockage to the structure. Additional sensitivity of the model to varying flows, Manning's 'n' values, reservoir operation, and urban assumption are not fully investigated within the documentation reviewed. John Riddell and CarlBro (February 2003) note that should the assumptions about flow, roughness, reset time of the reservoir, and urban assumption be wrong then there is the potential for an increase in water level at the Colonies to be approximately 780mm higher. The above information demonstrates that the Water of Leith model is highly sensitive to changes in model parameters. Therefore, it is not clear whether a sufficient freeboard has been incorporated into the scheme design to take account of these uncertainties.

11. Although gate closures may be a risk elsewhere along the FPS, we understand that the nearest gate to the application site is along Warriston Road, located a reasonable distance upstream, therefore the risk from this source appears to be limited. With all FPS's there remains the residual risk that if floodwater was to enter the drainage system because of a failed gate closure or a breach or overtopping of defences, floodwater could discharge from manholes behind the defences.

12. Based on the Existing Overland Flow Routes drawing (contained within the Will Rudd FRA) provided in support of this application, the ground levels within the site generally range from 6.67-7.85mAOD. Flood levels vary for this site and are dependent on the model used and whether climate change has been included and the operation of the reservoirs. Based on information we hold sourced from CEC, Scottish Government, and internal SEPA documentation, flood levels for the 1:200 year event, without an allowance for climate change, range from approximately 6.95-7.6mAOD and freeboard is approximately 310mm along this reach of the defence, although this is based on an older model and should be confirmed with the council. The Existing Overland Flow Routes drawing identifies the top of the flood wall ranging between 7.31-7.83mAOD. Hence these levels are in general agreement although the freeboard available will be dependent on the peak flood levels applied to the model, model set-up, operation of the reservoirs, the urban assumption, and whether the climate change allowance is appropriate. The applicant has been advised by CEC that the minimum finished floor level should be 7.559mAOD, which does not appear to offer any freeboard to take account of uncertainties in the design.

13. Based on the OVE Arup & Partners Ltd Water of Leith Flood Prevention Scheme Hydrological and Hydraulic Design Report Volume 1 (2003), should a 1:200 year flood coincide with a mean high water spring including a 1:100 year return period surge, the impacts would reach as far as Bonnington Bridge. Therefore, the site is at the upper reach of the tidal impact and any impacts would appear to be limited.

14. Whilst we understand that the site is afforded some level of protection from the Water of Leith Flood Protection Scheme there are uncertainties associated with the standard of protection the scheme affords and we do not consider, based on best science, that the allowance for climate change is adequate to meet the projected increase in flood risk in the coming years. No detailed Flood Risk Assessment (FRA) has been undertaken as part of this application. However, based on the information provided above, without prejudice, a further FRA may only serve to show that the site is at risk of flooding and we would be unable to support development where there is an increase in vulnerability of land-use type.

15. Should the council be minded to approve the planning application, in spite of our advice to the contrary, and given all the uncertainties highlighted above, we would recommend that finished floor levels are raised above the crest levels of the adjacent flood wall, including an adequate freeboard, and that flood resistant and resilient design and materials are included as well as ensuring that safe, flood free access can be provided.

Caveats & Additional Information for Applicant

1. The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

2. Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

3. The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Further Comments – SEPA response – dated 20 June 2018

We provided a detailed response to this planning application on 22 March 2018 when we objected in principle to the planning application. We have reviewed the additional information provided which proposes landraising and raising finished floor levels to mitigate flood risk. However, this proposal will result in an increase in vulnerability and as no additional information has been submitted which demonstrates that the site is out with the functional floodplain, we maintain our objection in principle.

For clarification purposes, the ground levels on site are 6.67-7.85mAOD and predicted flood levels range from 7.31-7.83mAOD. However, these flood levels are based on model output from OVE Arup & Partners Ltd and we previously highlighted the uncertainties associated with these predicted flood levels.

A detailed report was appended to our previous response and in summary the uncertainties noted therein do not allow us to conclude that the Standard of Protection for the Water of Leith Flood Protection Scheme (FPS) is sufficient to demonstrate that this planning application conforms to our position on development protected by a FPS. Please see our previous response for detailed comments.

Transport response – dated 1 August 2018

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

1. The applicant will be required to:
 - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 - c. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;
 - d. Contribute the sum of £2,000 to progress a suitable order to control on-street disabled parking spaces. 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. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. For the avoidance of doubt, the road layout is not approved at this stage;
3. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent. Street and road designs should be in-line with the Edinburgh Street Design Guidance Fact Sheets, a particular focus on pedestrian and cyclist priority should be applied;

4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
5. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
6. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
7. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;
8. The developer must submit a maintenance schedule for the SUDS infrastructure for approval.

Note:

1. As this application was submitted in March 2017 it has been assessed under the 2009 parking standards. The 2009 Council parking standards require a minimum of 38 parking spaces for the 38 private units and 2 spaces for the 11 affordable units. The proposed 39 spaces is considered acceptable. In addition the level of cycle parking at 1.67 spaces per unit is considered acceptable.
2. There are no transport contributions required for this proposed development, as the "Net Use" which takes the existing and proposed uses into consideration resulted in a neutral impact. The Transport contributions were calculated as per the draft supplementary guidance for Developer Contributions and Infrastructure Delivery 2018

CEC Flood Prevention response – dated 2 August 2018

I can confirm that CEC Flood Prevention are satisfied with the detail submitted in relation to this application. I note the comments from SEPA, however, there are 2 paragraphs in their response where I feel CEC have sufficient information.

2nd Para - Whilst, we understand that the site is afforded some level of protection from the Water of Leith Flood Protection Scheme there are uncertainties associated with the standard of protection the scheme affords, which also does not appear to fully take climate change into account.

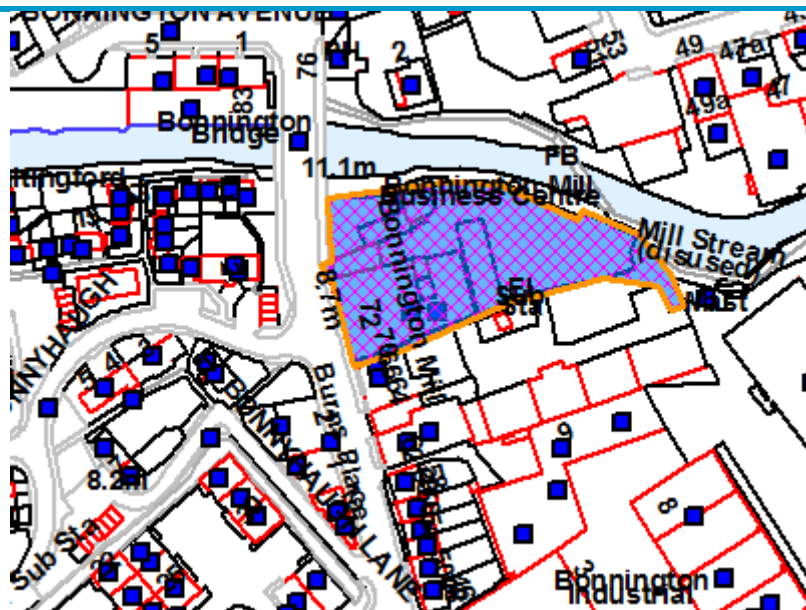
CEC comment: The Water of Leith Flood Protection Scheme provides defence to the 1-in-200 event with a 12% allowance for climate change. Also the new development is designed for 1-in-200 + 30%cc.

1.7 - If the Council are minded to grant this planning application, we would strongly recommend that mitigation measures are included within the design of the buildings. This could include raising finished floor levels above the FPS and the provision of safe access/ egress. The proposed finished floor levels of the 3 blocks range between 7.75m AOD and 8.525m AOD, which would be above the modelled 1:200 year flood level. Ground levels surrounding the buildings of approximately 7.3m AOD would indicate that safe, flood free access/ egress may be difficult to provide.

CEC comment: This paragraph contradicts by saying FFL need to be above FPS, it then says that is what has been designed? CEC has asked for FFL above 7.559m AOD, which is what they have provided.

IF SEPA still have objections to this application it is for the developer to speak with SEPA directly to satisfy their requirements. CEC Flood Prevention have no further comments in relation to this application.

Location Plan



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