

Development Management Sub Committee

Wednesday 9 January 2019

Application for Planning Permission 18/02451/FUL At 5 Warriston Road, Edinburgh, EH3 5LQ Development of 11 new residential flats including associated parking, infrastructure and landscaping (as amended)

Item number	4.8
Report number	
Wards	B12 - Leith Walk

Summary

The proposed development complies with the adopted Edinburgh Local Development Plan and meets the requirements of the Council's Edinburgh Design Guidance. It is acceptable in terms of scale, layout, design and materials. Adequate car and cycle parking are being provided. The amenity for the future occupiers of the development 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.

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

Links

Policies and guidance for this application	LDPP, LDES01, LDES04, LDES05, LDES10, LEN09, LHOU01, LHOU03, LTRA02, LTRA03, LEN21, NSG, NSGD02,
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Report

Application for Planning Permission 18/02451/FUL At 5 Warriston Road, Edinburgh, EH3 5LQ Development of 11 new residential flats including associated parking, infrastructure and landscaping (as amended)

Recommendations

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

Background

2.1 Site description

The site lies on the eastern side of Warriston Road facing the Water of Leith. The site is occupied by two linked buildings comprising a 1980's building built to the rear of an older single storey building with a pantiled roof of traditional style, used as a photographic studio. The building is surrounded by flatted development of modern design to the north and to the rear.

The site is adjacent to the boundary of the Inverleith Conservation Area.

2.2 Site History

24 January 1996 - planning permission was granted for alterations & change of use from a photographic laboratory to an office (application number 95/02808/FUL).

9 November 2015 - planning permission was granted for the demolition of the existing building on site and the erection of a 3 storey block of flats with subterranean parking deck for 10 cars, 10 cycles and refuse storage with 10 bins (application number 14/02315/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for the development of 11 new residential flats.

The building is for a single block, predominately five storey high with car parking on the ground floor and four floors of residential accommodation above. The new apartments will have two or three bedrooms. The new roof has a pitch set back from the front wall of the building.

The proposed materials are brick for the side and rear walls, zinc for the roof and ashlar stone and rubble stone for the front elevation.

Nine parking spaces are provided and 24 cycle spaces in a secure location. Amenity space is provided to the rear of the building and the apartments each have external balconies.

Supporting Documents

- Design and Access Statement
- Flood Risk and Surface Water Management Plan

These documents are able to be viewed on the Planning and Building Standards Online Services.

Scheme 1

The original proposal was greater in height and had a flat roof. The proposed materials for the new building were brick and render.

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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of residential development is acceptable;
- b) the scale, design and materials would have a detrimental impact on the character and appearance of the surrounding area;
- c) the proposal provides an adequate impact on the residential amenity;
- d) the proposal provides an adequate impact of amenity for the future occupiers;
- e) the proposal raises any transport issues;
- f) the proposal is acceptable in terms of flooding;

- g) the proposal is acceptable in terms of education provision;
- h) the proposal is acceptable in terms of archaeology; and
- i) any comments raised have been addressed.

a) Principle

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

LDP Hou 1 supports new housing development provided it is compatible with other policies of the Plan.

LDP Hou 4 Density seeks an appropriate density of development having regard to its characteristics and those of the surrounding area. The new development occupies the majority of the site with an area of open space to the front facing Warriston Road. This is in keeping with the density of the modern flats to the north, south and east. It is located close to the city centre where there are higher densities and a good level of public transport. The proposal accords with this policy.

LDP Hou 2 seeks a good mix of dwelling types and sizes. The proposal creates two and three bedroom flats in keeping with the character of the area. The proposal accords with this policy.

LDP Emp 9 applies to site or premises in the urban area currently or last in use for employment purposes. The proposal will redevelop this employment site and introduce a non-employment use but the new use will not prejudice or inhibit the activities of any nearby employment use. The site is less than one hectare so there is no requirement for the proposed floorspace to provide for a range of business users. The proposal accords with this policy.

The Committee granted planning permission for the demolition of the existing building and the erection of a three storey block of flats on 22 February 2017. Whilst every planning application is to be assessed on its own merits, the previous consent is still valid and is a material consideration in the assessment of the proposal.

The development is therefore acceptable in principle provided it complies with other policy requirements.

b) Scale, Design and Materials

LDP Policy Des 1 supports new development whose design contributes towards a sense of place and picks up on the positive characteristics of the area. LDP Policy Des 4 is seeking proposals to have similar characteristics to the surrounding buildings. In the amended scheme, the height of the building has now been lowered and includes a pitched roof which is no higher than the surrounding neighbouring building, reducing the massing and appearance of the scheme within the context. The ground floor of the new building would be clad in rubble stone to give reference to the former building on the site. The upper floors would be finished in ashlar stone in keeping with the stone built character of the area. The glazing pattern would give an overall vertical emphasis to the built form and proportions.

The proposal does not lie within a conservation area but the boundary of Inverleith Conservation Area lies immediately to the west and south of the site.

In terms of LDP Policy Env 6, regarding impact on the adjacent conservation area, the new development is of appropriate design and quality and utilises materials appropriate to the historic environment. The proposed housing development would preserve the setting of the conservation area.

In terms of LDP Policy Des 10, the development has been designed to have an attractive frontage to the Water of Leith. There is no change to the existing public access along the water's edge and the development maintains and enhances the water environment.

The proposal will retain the setting of the surrounding area and will be a positive addition to it in terms of scale, design and materials. It complies with LDP policies Des 1, Des 4 and Des 10.

c) Neighbouring Residential Amenity

The new flats will face onto the Water of Leith and the existing properties within Boat Green and comply with the requirements of the Council's Edinburgh Design Guidance in terms of privacy distance. This proximity matches the pattern of development in the area. The submitted Design Statement confirms that the proposals meets the requirements in the Council's Edinburgh Design Guidance in terms of overshadowing, daylighting and sunlighting.

The proposal complies with LDP Policy Des 5 in this respect.

d) Amenity for the Future Occupiers

The proposal creates seven two bedroom flats and four three bedroom flats complying with LDP Policy Hou 2 in terms of housing mix. All the apartments meet the minimum internal floor area requirements of the Council's Edinburgh Design Guidance.

The new residential units would have aspects to the front and rear. The main living spaces will receive adequate daylight.

A communal garden area is provided in the north east corner of the site and at first floor level there is private garden provided for the larger 3 bedroom flat. This is considered appropriate in terms of LDP Policy Env 20 given it is a larger housing unit. Additional private external amenity space is provided in the form of terraces or balconies. Overall a minimum of 20% of total site area is useable greenspace which complies with LDP Hou 3.

The proposal complies with LDP policies Hou 2, Hou 3 and Env 20.

e) Transport

The application has been assessed under the 2017 parking standards which permit a maximum of 11 parking spaces. Nine car parking spaces are proposed so this meets the standards. Cycle storage cases are proposed within the building which would provide 24 cycle parking spaces.

The proposals comply with LDP policies Tra 2 and Tra 3.

There are no road safety issues.

f) Archaeology

The single storey cottage on the site is now used as an office. Although considered by the City Archaeologist to be historically significant, if consent is granted a detailed historic building survey should be undertaken prior to and during their demolition. This will be secured by a condition.

The archaeological issues can be addressed satisfactorily.

g) Flooding

In terms of LDP Env 21, 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.

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 and egress can be provided.

The applicant has amended the proposals to meet these requirements. Despite the SEPA flood maps showing fluvial flood risk in the area the 2003 WoL model gives a flood level of 11.789mAOD with a 12% climate change allowance. Incorporating 600mm freeboard above this level gives 12.389mAOD. The applicant has proposed 12.775m AOD. Upon review the Council's Flooding team is satisfied that the current CEC requirement for 30% climate change would not require a higher finished floor level than that proposed by the applicant.

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

h) Education

Using the pupil generation rates set out in the Supplementary Guidance, the development of 11 flats is not expected to generate any pupils. A contribution towards education infrastructure is therefore not required.

i) Public Comment

Material Considerations

- loss of historic fabric and design of the proposal - addressed in section 3.3b).
- height of the new built will darken neighbouring properties - addressed in section 3.3c) and found that the height of the new built is appropriate to the surrounding buildings.
- massing of the building on a small footprint - addressed in section 3.3b) and found that it is appropriate to the character of the area.
- Over development – addressed in section 3.3b) and found that the density is compatible with surrounding buildings.
- parking congestion on nearby streets - addressed in section 3.3e) and found that the parking arrangements complies with LDP Tra 2.

- proposed materials - addressed in section 3.3b) found that these are acceptable in this location.

Non-material considerations

- Disruption during construction – not relevant to Planning process.
- Views of Water of Leith obscured by development - not relevant to Planning process.

Conclusion

The proposal largely complies with the development plan and Council's non-statutory guidelines. The development is acceptable in terms of scale, design and materials in this location and would have an acceptable impact on the setting of Inverleith Conservation Area located to the south and west. The impact on neighbouring amenity is satisfactory and an adequate level of amenity will be provided for future occupiers, despite a slight infringement of open space provision. There are no transport issues. There are no other material considerations to outweigh this conclusion.

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

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The application shall be notified to the Scottish Ministers prior to determination.
2. 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.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the interests of archaeological heritage.
3. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category D - New Build).
5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
6. 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.
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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 8 June 2018 and a total of 30 representations were received 28 objecting and 2 supporting. These included comments from Warriston Crescent Residents' Association.

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 lies within the urban area of the Edinburgh Local Development Plan.

Date registered

29 May 2018

Drawing numbers/Scheme

1,2,3A-14A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

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

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 Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

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

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 18/02451/FUL At 5 Warriston Road, Edinburgh, EH3 5LQ Development of 11 new residential flats including associated parking, infrastructure and landscaping (as amended)

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the development of 11 new residential flats including associated parking, infrastructure and landscaping.

The site occurs on the southern bank of the water of Leith on the eastern edge of Canonmills, which was established as a centre for Holyrood Abbey's mills in the 12th century. The site is currently occupied by two linked buildings comprising a late 20th century building built onto the rear of an older, single-storey cottage. This cottage appears on Ainslie's 1804 map of Edinburgh, though it probably dates to the second half of the 18th century. By the 1st Edition OS map the site has been subsumed by the creation of a railway station and associated goods yard. Although the cottage clearly survives it is not clear from the map if it formed part of this station.

Accordingly this site has been identified as occurring within an area of potential national archaeological significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The front of the site is occupied by single storey stone cottage constructed between c.1750 and 1804. Although undesignated, this building is a rare survival within urban central Edinburgh of an 18th century rural cottage. Such building types would have been once common but now are almost lost within central Edinburgh, as a result of both modern and historic 19th century growth of the city. Its historic significance is strengthened further by it being one of the oldest surviving buildings within the local area and significantly one which represents its former rural past.

Accordingly in my opinion this cottage must be regarded as having local and perhaps regional archaeological /historic significance and one that adds significantly to the local historic character of Canonmills and the Water of Leith. Accordingly the loss of this historic cottage as a result of its demolition is regarded as having a significant adverse archaeological impact and one which is contra to CEC Planning Policy ENV8(b).

If consent is granted for this revised scheme, it is essential that an historic building survey (level 3: internal and external elevations and plans, photographic and written survey and analysis) is undertaken prior to and during demolition. This will be linked with an appropriate programme of archaeological excavation undertaken prior to development to fully excavate, record and analysis any surviving archaeological buried remains. Should consent be granted, it is recommended that the following condition be attached to ensure that this programme of archaeological works is undertaken:

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Children and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of 11 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Roads Authority Issues

The application should be continued.

Reasons:

1. The proposed cycle store on the lower ground floor is not considered to meet Cycle by Design 2010 8.3.1 - General Considerations on the detailed design of cycle parking; as it is considered there will be difficulty in accessing the store and does not provide adequate space to manoeuvre a bicycle;
2. The proposed style of cycle parking is considered to be unsuitable, as there will be a requirement for the user to lift the cycle onto the rack;

3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
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.

Further comments received 08.11.18

Further to the response dated the 8th of June 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 contribute the sum of £11,850 to the relevant transport actions from the Edinburgh LDP Action Programme. The sum to be indexed as appropriate and the use period to be 10 years from the date of payment.
2. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category D - New Build);
3. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
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. 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;

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:
 - a. A maximum of 11 car parking spaces, 9 car parking spaces are proposed;

- b. The justification for this level of car parking is based on local residents concerns regarding car parking over spilling onto the surrounding streets and the lack of on-street parking in this area.
- c. Where 10+ car parking spaces are being provided 1 in 6 should be equipped for Electric Vehicle charging;
- d. For 10+ dwellings 8% of car parking should be designated as accessible, the proposed 1 space is acceptable. The applicant should carefully consider the location of this space and should be located as close as possible to the appropriate entrances;
- e. A minimum of 23 cycle parking spaces, the 12 individual cycle storage cages proposed within the building are considered acceptable;
- f. No requirement for MC parking.

SEPA

Thank you for your consultation email which SEPA received on 01 June 2018 and apologies for the delay in responding to this consultation. There are ongoing discussions between SEPA and Council staff with regards 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).

Advice for the planning authority

We object to this planning application in principle on the grounds of flood risk on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. Please note the advice provided below and the appended technical flood risk report (Appendix 1).

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. Flood Risk

1.1 It is proposed to redevelop commercial buildings 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 years. 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 at risk during a 0.5% (200 year) AP plus climate change event on the Water of Leith and although behind a FPS will continue to be at risk.

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.

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 Notwithstanding this position we have included our review of the information supplied in Appendix 1. 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.

Regulatory advice for the applicant

2. Regulatory requirements

2.1 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 services team in your local SEPA office at:

Edinburgh Office Silvan House SEPA 3rd Floor 231 Corstorphine Road Edinburgh EH12 7AT

Tel: 0131 449 7296

If you have any queries relating to this letter, please contact me, or my line manager Sean Caswell by telephone on 01738 627989 or e-mail at planning.se@sepa.org.uk.

Appendix 1: Technical flood risk report:

1. We were consulted in February 2015 during pre-application engagement. At that time we supported the proposal to investigate all sources of flooding at the site and that safe access and egress could be provided during a flood event.
2. In August 2017, we published new guidance including Planning Information Note 4: SEPA Position on development protected by a Flood Protection Scheme (FPS). This sets out the position that SEPA now takes for development behind a FPS. As the proposed development, from commercial to resiflats, will result in a land-use change from least vulnerable to highly vulnerable, based on our guidance, we require the development to be protected to a 1:200 year standard of protection including an appropriate allowance for climate change, generally a 20% uplift. To be confident in the standard of protection offered by the FPS for all current and future phases of the scheme, we previously undertook an extensive review of the Water of Leith FPS documentation, spanning the last 18 years.
3. We have reviewed the FPS 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 some protection by the FPS.
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, reliance on flood gates, 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 of similar magnitude to 2000, which occurred in 1920 and 1948, are not included within the gauged record and therefore not included within the analysis undertaken by the council's consultant. Taking into account these events, the April 2000 flood event may be closer to a 1:70 year return period, rather than a 1:100 year return period as estimated by the Council's consultant at that time.
6. Flow estimates are further complicated by 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.
7. The storm duration used in the original study by the council's consultant 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.
8. CEC have confirmed that the upstream reservoirs are not managed for flood reduction and are left "as be", i.e. not drawn down prior to a predicted storm and not used to lower water levels quicker after an event. This 'hands off' approach is in contrast to the documents produced as part of the scheme design and subsequent local inquiry. As such, there would appear to be greater uncertainty regarding the storage that the reservoirs might provide during extended wet periods or back-to-back storms.
9. 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, Babbie's initial study and continued in the Ove Arup & Partners Ltd Hydrological and Hydraulic Design Report Volume 1 (2003), reduced the contribution of the urban catchment area by 21km² as these areas would drain to the combined sewer network. Should this assumption be wrong, the Ove Arup & Partners Ltd Hydrological and Hydraulic Design Report Volume 1 (2003) estimates that flood levels at the Colonies and downstream would be approximately 200mm higher.
10. 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, which is currently not done. The Ove Arup & Partners Ltd Response to Reporter's Report (2005) states that "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.

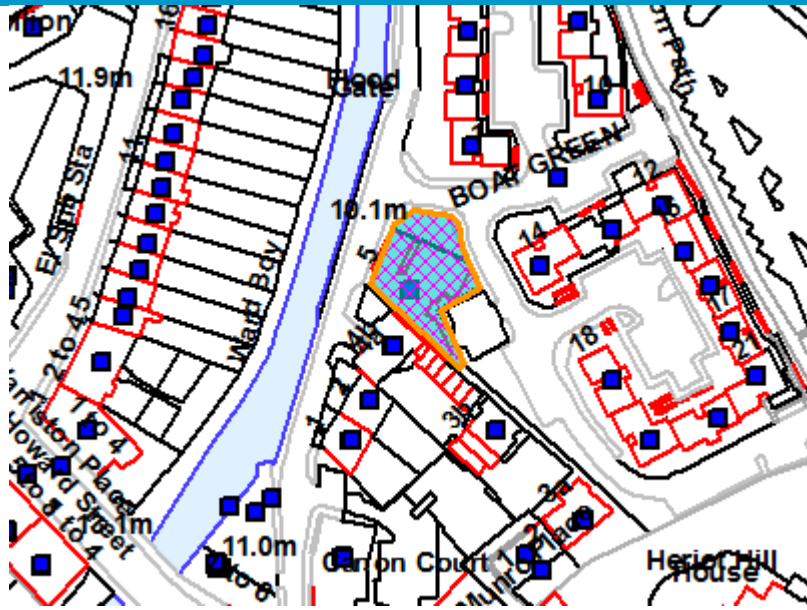
11. Partial Bridge blockage is a risk that cannot be eliminated entirely, although continual maintenance will reduce this risk. It is worth noting that bridge blockage scenarios were not fully investigated as part of the sensitivity analysis. Additional sensitivity of the model to varying flows, Manning's '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.
12. Protection to the site is reliant on the closure of a flood gate on Warriston Road, located immediately adjacent to the site. With all FPS's there remains the residual risk of floodwater entering the site because of a failed gate closure, breach or overtopping of defences.
13. A post flood survey undertaken in 2000 noted a flood level of 11.22 mAOD at Warriston Crescent, directly opposite the application site. Based on the topographic survey drawing (contained within the FRA), existing ground levels at the application site are quoted as 10.25 mAOD to 11.82 mAOD, therefore parts of the site are significantly below the 2000 flood level.
14. 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, range from approximately 11.22-11.68mAOD, although this is based on an older model and does not address all the limitations highlighted above.
15. The FRA supplied in support of the application, identifies the minimum elevation of the FPS of 11.83mAOD, and has contradicting information stating that the flood level adjacent to the site is 11.48mAOD in Section 2.2 and 11.46mAOD in Section 3.2. 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.
16. 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. As such, we object in principle to the current planning application. 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.

17. 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 and egress can be provided during a flood.

Caveats & Additional Information for Applicant

- 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/>
- 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.
- 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 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/>.

Location Plan



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