Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 4th December, 2019

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to attend

Contacts

Email: veronica.macmillan@edinburgh.gov.uk / martin.scott@edinburgh.gov.uk
Tel: 0131 529 4283 / 0131 529 4237
1. Order of business

1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.

1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than 1.00pm on Monday 2 December 2019 (see contact details in the further information section at the end of this agenda).

1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

3.1 Minute of the Development Management Sub-Committee of 20 November 2019 - submitted for approval as a correct record
4. General Applications, Miscellaneous Business and Pre-Application Reports

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1.

Pre-Applications

4.1 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh - forthcoming application by Sundial Properties for a Proposed mixed use development with associated landscape, drainage and infrastructure in scrapyard and former gasworks. The development includes purpose built student accommodation, affordable housing, affordable retail units, cafe and public digital co-working space. - application no 19/04966/PAN – Report by the Chief Planning Officer

4.2 165 Broughton Road, Edinburgh, EH7 4LG - forthcoming application by The City Of Edinburgh Council for a Housing led, mixed use development which includes the conversion of an existing Category B listed Stables building into a work and events space, new build intergenerational nursery with older person's housing. New build mixed tenure homes and a variety of public a semi-public amenity spaces. Separate applications will be made for each of the elements, stables, bowling greens and waste transfer station - application no 19/04682/PAN – Report by the Chief Planning Officer

4.3 119, Ferniehill Drive, Edinburgh (At Land 131 Metres Southeast Of) - forthcoming application by Taylor Wimpey Limited and BL Chesser Ltd for a Residential development and associated works at land known as 'Highfield', Drum Estate. - application no 19/04823/PAN – Report by the Chief Planning Officer

4.4 West Princes Street Gardens, Princes Street, Edinburgh - forthcoming application by The Ross Development Trust for Demolition of the existing Ross Theatre and removal of
associated terraced viewing area and their replacement with a new event pavilion building and amphitheatre. Creation of a Welcome Centre comprising, café (Class 3), event spaces and associated facilities. Creation of a new Family Area comprising an upgraded play area, event space, café (Class 3) and toilets. Introduction of a new footpath network, landscape works and replacement and enhancement of the existing pedestrian and service bridges. A new access road from Kings Stables Road to service West Princes Street Gardens and all associated development - application no 19/05115/PAN – Report by the Chief Planning Officer

Applications

4.5 194 Fountainbridge, Edinburgh (At Land Adjacent To) - Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form + massing; design + materials; daylight + sunlight; design + operation of private/public open spaces; roads, footways/cycleway/access/servicing + parking; venting + electric vehicle charging; drainage; waste management; operational requirements for commercial uses/sustainability/floor levels/lighting; site investigation/hard + soft landscaping details + noise mitigation.(As Amended)) – application no 19/02993/AMC – Report by the Chief Planning Officer

It is recommended that this application be APPROVED

4.6 437 Gorgie Road, Edinburgh, EH11 2RT - Demolition of existing Public House and construction of 11 residential flats with gardens (as amended) - application no 18/04267/FUL – Report by the Chief Planning Officer

It is recommended that this application be GRANTED

4.7 Kirkgate Church, 1 Kirkgate, Edinburgh - The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall - application no 19/04238/FUL – Report by the Chief Planning Officer

It is recommended that this application be GRANTED
4.8  Kirkgate Church, 1 Kirkgate, Edinburgh - The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall. - application no 19/04263/LBC – Report by the Chief Planning Officer

It is recommended that this application be **GRANTED**

4.9  69 -71 Marionville Road, Edinburgh, EH7 6AQ - Demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping - application no 19/04508/FUL – Report by the Chief Planning Officer

It is recommended that this application be **GRANTED**

---

**5. Returning Applications**

These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

5.1  None.

---

**6. Applications for Hearing**

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

6.1  None.
7. Applications for Detailed Presentation

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

7.1  53 Burdiehouse Road, Edinburgh (at Land 100 Metres East Of) - Residential development 116 dwellings and associated landscaping and infrastructure (as amended) - application no 19/02616/FUL – Report by the Chief Planning Officer

It is recommended that this application be **GRANTED**

7.2  Corbieshot, Edinburgh (at Land East of Corbieshot) - Residential development (53 dwellings), associated access arrangements, roads, open space, landscaping and infrastructure works (as amended) - application no 19/02600/FUL – Report by the Chief Planning Officer

It is recommended that this application be **GRANTED**

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

8.1  None.

Laurence Rockey
Head of Strategy and Communications
Committee Members

Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Hal Osler, Councillor Rob Munn and Councillor Cameron Rose

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The Development Management Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Veronica MacMillan Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4283 / 0131 529 4237, email veronica.macmillan@edinburgh.gov.uk / martin.scott@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

Webcasting of Council meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council’s internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under current Data Protection legislation. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council’s published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council’s internet site.

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training.
purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).
Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 20 November 2019

Present:
Councillors Gardiner (Convener), Booth, Child, Dixon (substituting for Councillor Gordon), Griffiths, Mitchell, Mowat, Munn, Osler and Rose.

Apologies:
Councillor Mary Campbell

1. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, 5, 7 and 8 of the agenda for this meeting.

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.1 - 26, Baird Road, Ratho (Land 54 Metres East Of) – Requested by Councillor Booth, Councillor Osler and Ward Councillor Webber.

The Chief Planning Officer gave a presentation on agenda item 4.6 - 7 Redhall House Drive, Edinburgh, EH14 1JE – Requested by Councillor Booth and Councillor Osler.

Decision

To determine the applications as detailed in the Appendix to this minute.

Dissent

Councillor Booth requested that his dissent be recorded in respect of the decision on Item 7.1 – 24 - 26 Calton Road, Edinburgh, EH8 8DP.

Councillor Rose requested that his dissent be recorded in respect of the decision on Item 8.1 – 6 Baberton Loan, Juniper Green, Edinburgh.

(Reference – reports by the Chief Planning Officer, submitted.)
On 6 November 2019 the Development Management Sub-Committee agreed to continue an application for planning permission at 6 Baberton Loan, Juniper Green, Edinburgh to allow for a site visit to take place. Details were provided of proposals for planning permission for electronically controlled timber gates across Baberton Loan and at the entrance to the Water of Leith in the vicinity of No's 1-6 Baberton Loan, Juniper Green, Edinburgh – application no 18/05069/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be refused.

Motion
To refuse planning permission the reasons set out in the report.
- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment
To grant planning permission.
- moved by Councillor Osler, seconded by Councillor Mitchell.

Voting
For the motion: - 7 votes
(Councillors Booth, Child, Dixon, Gardiner, Griffiths, Mowat, and Munn)

For the amendment: - 3 votes
(Councillors Mitchell, Osler and Rose)

Decision
To refuse planning permission the reasons set out in the report.
(Reference – report by the Chief Planning Officer, submitted.)

Dissent
Councillor Rose, as the mover of an amendment which was not seconded, requested that his dissent be recorded to the above decision.
### Appendix

<table>
<thead>
<tr>
<th>Agenda Item No. / Address</th>
<th>Details of Proposal/Reference No</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item 4.1 - 26, Baird Road, Ratho (Land 54 Metres East Of)</td>
<td>Proposed erection of 11 residential dwellings - application no 18/02606/FUL</td>
<td>To CONTINUE consideration of the application to allow for a site visit to take place.</td>
</tr>
<tr>
<td>Item 4.2 - 7-8 Clifton Terrace, Edinburgh, EH12 5DR</td>
<td>Proposed extension to the rear of the existing Haymarket Hub Hotel, comprising 47 additional bed rooms, a new kitchen and dining space and back of house facilities (as amended) - application no 19/02921/FUL</td>
<td>To GRANT Planning Permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer.</td>
</tr>
<tr>
<td>Item 4.3 - 59 Duddingston Park South, Edinburgh, EH15 3LE</td>
<td>Change of use of existing detached house to HMO - application no 19/03032/FUL</td>
<td>To GRANT Planning Permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer.</td>
</tr>
<tr>
<td>Item 4.4 - 60, Glenbrook Road, Balerno (At Land 30 Metres West Of)</td>
<td>Change of Use from derelict farm stead ing to erection of 6x glamping pods and associated works inc. concrete bases, footpaths, refurbished barn and landscaping (as amended) - application no 19/01963/FUL</td>
<td>To REFUSE planning permission for the reasons set out in the report by the Chief Planning Officer.</td>
</tr>
</tbody>
</table>

Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.
<table>
<thead>
<tr>
<th>Agenda Item No. / Address</th>
<th>Details of Proposal/Reference No</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Item 4.5 - 29 The Loan, South Queensferry (At Footway Adjacent To)</strong></td>
<td>Proposed installation of a 15m high monopole, accommodating 1No antenna within a GRP shroud and 1No equipment cabinet on the footway adjacent to 29 The Loan, Queensferry, Edinburgh, EH30 9SD (NGR: 312895, 678309) to provide communications coverage for the emergency services in the surrounding area. Airwave's coverage requirement in this area has resulted from the removal of nearby Telefonica site ref: 1890 which had also accommodated equipment for Airwave - application no 18/10536/FUL</td>
<td>To <strong>GRANT</strong> Planning Permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.</td>
</tr>
<tr>
<td><strong>Item 4.6 - 7 Redhall House Drive, Edinburgh, EH14 1JE</strong></td>
<td>Alteration and conversion of existing building to form six duplex apartments; the erection of a detached garage block accommodating six garages; and the erection of two detached dwelling houses with all associated site development works and landscaping - application no 18/09642/FUL</td>
<td>To <strong>GRANT</strong> Planning Permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer with an additional legal agreement that open space shall remain as open space that is accessible to the general public and remain undeveloped in perpetuity.</td>
</tr>
<tr>
<td><strong>Item 4.7 - At Robert Burns Statue, Bernard Street, Edinburgh</strong></td>
<td>The works will comprise of the careful dismantling, relocation and rebuild of the Robert Burns monument - application no 19/04054/LBC</td>
<td>To <strong>GRANT</strong> Listed Building Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.</td>
</tr>
<tr>
<td><strong>Item 4.8 - 20 The Wisp, Edinburgh (At Land 90 Metres West Of)</strong></td>
<td>Proposed residential development of 139 flats, open space and associated infrastructure (as amended) - application no 18/10316/FUL</td>
<td>To <strong>GRANT</strong> Planning Permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer.</td>
</tr>
<tr>
<td>Agenda Item No. / Address</td>
<td>Details of Proposal/Reference No</td>
<td>Decision</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Item 5.1 - Hermiston Gait Retail Park, 21 - 25 Cultins Road, Edinburgh</strong></td>
<td>Proposed mezzanine extension within existing Decathlon Store at Unit 8, Hermiston Gait retail Park for use exclusively by Decathlon. The permitted floorspace at the retail park is capped by Condition G99 of planning permission A 02578 93 - application no 16/06063/FUL</td>
<td><strong>To REFUSE</strong> planning permission for the reasons set out in the report by the Chief Planning Officer.</td>
</tr>
<tr>
<td><strong>Item 7.1 - 24 - 26 Calton Road, Edinburgh, EH8 8DP</strong></td>
<td>Demolition of existing non-listed buildings and erection of new residential building to form 22 flats and 1 commercial office space at ground floor and associated landscaping works. (Resubmission within a year) - application no 19/02370/FUL</td>
<td><strong>To GRANT</strong> Planning Permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer and an additional informative to explore the possibility of a green roof. <strong>Dissent</strong> Councilor Booth requested that his dissent be recorded in respect of this decision.</td>
</tr>
<tr>
<td><strong>Item 7.2 - 24 - 26 Calton Road, Edinburgh, EH8 8DP</strong></td>
<td>Complete Demolition in a Conservation Area - application no 19/02371/CON</td>
<td><strong>To GRANT</strong> Conservation Area Consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.</td>
</tr>
<tr>
<td><strong>Item 7.3 - 543 Gorgie Road, Edinburgh, EH11 3AR</strong></td>
<td>Erection of purpose-built student accommodation, ancillary uses and associated landscaping and infrastructure - application no 19/01795/FUL</td>
<td><strong>To REFUSE</strong> planning permission for the reasons set out in the report by the Chief Planning Officer.</td>
</tr>
<tr>
<td>Agenda Item No. / Address</td>
<td>Details of Proposal/Reference No</td>
<td>Decision</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| **Item 8.1 - 6 Baberton Loan, Juniper Green, Edinburgh** | Electronically Controlled Timber Gates across Baberton Loan and at the entrance to the Water of Leith in the vicinity of No’s 1-6 Baberton Loan, Juniper Green, Edinburgh. (in retrospect) - application no 18/05069/FUL | To **REFUSE** planning permission for the reasons set out in the report by the Chief Planning Officer.  
(on a division)  
**Dissent**  
Councillor Rose requested that his dissent be recorded in respect of this decision. |
Wednesday 4 December 2019

Report for forthcoming application by Sundial Properties for Proposal of Application Notice 19/04966/PAN

At 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh

Proposed mixed use development with associated landscape, drainage and infrastructure in scrapyard and former gasworks. The development includes purpose built student accommodation, affordable housing, affordable retail units, cafe and public digital co-working space.

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for a mixed use development comprising student accommodation, affordable housing, retail units, cafe and public digital co-working space with associated landscape, drainage and infrastructure including the restoration and re-use of category B listed buildings at 1-5 Baltic Street, and 7-27 Constitution Street, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice on 15th October 2019.
Links

Coalition pledges
Council outcomes

Single Outcome Agreement
Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site measures approximately 1.05ha in area. It comprises the former Gasworks site and scrapyard site. It is located to the north of Baltic Street and directly south of Tower Street, with part of the site fronting Constitution Street to the west.

To the north of the site are commercial/industrial units along Tower Street; the site is bound by a high wall along this boundary. The southern site boundary has a number of existing structures which front Baltic Street. To the south are tenement flats on the opposite (southern) side of Baltic Street, the majority of which are four storeys. To the east are commercial/industrial buildings along Salamander Street fronted by a high wall. Directly to the southwest, the site is bound by the former Corn Exchange building which is category A listed (Listed Building ref: 27140). The boundary along Constitution Street has a high wall. On the opposite side of Constitution Street is a mix of flatted blocks with commercial premises at ground level.

There are a number of existing buildings on the site, some of which are category B listed. These buildings include the remains of the former Edinburgh and Leith Gas works, a former gasometer house (now reduced in height), former processing house, and former retort house and offices (Listed Building ref: 26744).

This application site is located within the Leith Conservation Area.

2.2 Site History

Various alterations have been approved 1999-2015.

5th October 2018 - PAN approved for a mixed use commercial use (classes 1, 2, 3 and 4) and residential development including the restoration and re-use of listed buildings on the eastern part of the site, at 1-5 Baltic Street (application reference number: 18/07468/PAN).

History of neighbouring sites

1 Bath Road (to east of the site)

5th August 2019 - Planning permission granted for a mixed use development with associated landscape, drainage, roads, and infrastructure (application reference number: 18/08206/FUL).

6th September 2019 - PAN approved for a proposed mixed use development with associated landscape, drainage, roads and infrastructure at 57 Tower Street and 1 Bath Road (application reference number: 19/03870/PAN).
Main report

3.1 Description Of The Proposal

The proposal is for a mixed use development with associated landscape, drainage, and infrastructure. The development will incorporate purpose built student accommodation, affordable housing, affordable retail units, a café and a public digital co-working space.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The proposed development will not have a serious detrimental impact on the character and setting of any listed buildings and structures;

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

b) The proposal will preserve and enhance the character and appearance of the Leith Conservation Area;

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

c) The principle of the development is acceptable in this location;

The Edinburgh Local Development Plan (LDP) allocates the site as within the Edinburgh Waterfront. The site is in the Central Leith Waterfront Area, in an area of commercial and housing-led mixed use development sites (Proposal EW1b).

The proposed uses will need to be assessed against relevant Local Development Plan policies and non statutory guidance.

The Leith Docks Development Framework LDDF (2007) covers this site. The aim of the framework in terms of uses in the area, is to 'create a mixed and balanced community which exemplifies the principles of sustainability in terms of use mix, accessibility and design.'

A route is safeguarded for cycleway/ public transport along Constitution Street to the west of the Corn Exchange building and scrapyard site.

d) The design, scale and layout are acceptable within the character of the area and wider regeneration;
The proposal will be considered against the provisions of the Edinburgh Local Development Plan, Edinburgh Design Guidance and the Leith Docks Development Framework. The LDP policy Del 3 Edinburgh Waterfront, requires new development in principle to be comprehensively designed which maximises the development potential of the area, make provision for a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods, provide a mix of house types, sizes and affordability, make provision for open space, make provision of local retail facilities, and leisure and tourism attractions, and provide transport measures as agreed with the Council.

A Design and Access Statement will be provided with the application.

e) Access arrangements are acceptable in terms of road safety and public transport accessibility;

The proposals should have regard to the Leith Docks Development Framework, the Council's parking standards, LDP transport policies and the requirements of the Edinburgh Street Design Guidance. Permeability through the site will be an important consideration, as well as links to the surrounding area. Transport information will be required to support the application to assess the effect of the proposal on local roads and the accessibility of the site, including active travel and cycle infrastructure.

f) There are any other environmental factors that require consideration;

The applicant will be required to demonstrate that the site is capable of accommodating the development and that there is sufficient infrastructure capacity.

The proposal will be assessed in line with the Finalised supplementary guidance on Developer Contributions on Infrastructure Delivery and the relevant Development Plan provisions.

Preservation of the site's industrial heritage is a key archaeological concern and an archaeological assessment must be submitted.

The site is located within the Salamander Street Air Quality Management Area and an air quality assessment will be required.

There are a number of potential noise sources within the vicinity of the site. An acoustic survey must be submitted to address all these noise sources.

The application will need to be screened for an Environmental Impact Assessment (EIA) including the cumulative impact of the proposals.

In order to support the application/s, submission of the following documents is anticipated:

- Planning Statement;
- Design and Access Statement;
- Daylighting, Sunlight and Privacy analysis;
- Landscape and Visual Impact Assessment;
- Pre-Application Consultation report;
- Site investigation report;
- Transport information;
- Flood Risk Assessment and Surface Water management Plan;
- Drainage Impact Assessment;
- Archaeological Assessment;
- Ecological surveys;
- Full detailed hard and soft landscape proposals and maintenance schedule;
- Air Quality Impact Assessment;
- Noise Impact Assessment; and
- Sustainability statement.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

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 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions are taking place on this application.

8.2 Publicity summary of representations and Community Council comments

The applicants had a public exhibition on 28th November 2019 from 3pm to 7pm at Custom House, 65-67 Commercial Street, Leith.

Leith Harbour and Newhaven Community Council and Leith Links Community Council were notified on 14th October 2019.
In addition, the applicants notified Councillor Chas Booth, Councillor Adan McVey, Councillor Gordon Munro, and Leith Neighbourhood partnership.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report.

**Background reading/external references**

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

David R. Leslie  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Karen Robertson, Senior planning officer  
E-mail:karen.robertson@edinburgh.gov.uk Tel:0131 529 3990

**Location Plan**
Wednesday 4 December 2019

Report for forthcoming application by

The City Of Edinburgh Council for Proposal of Application Notice.

19/04682/PAN

At 165 Broughton Road, Edinburgh, EH7 4LG. Housing led, mixed use development which includes the conversion of an existing Category B listed Stables building into a work and events space, new build intergenerational nursery with older person's housing. New build mixed tenure homes and a variety of public a semi-public amenity spaces. Separate applications will be made for each of the elements, stables, bowling greens and waste transfer station.

Item number

Report number

Wards B12 - Leith Walk
Summary

The purpose of this report is to inform the Development Management Sub-Committee of forthcoming full planning applications for housing-led, mixed use development which includes the conversion of an existing Category B listed stables building into a work and events space, new-build intergenerational nursery with older person's housing. New build mixed tenure homes and a variety of public a semi-public amenity spaces. Separate applications will be made for each of the current site elements: stables, bowling greens and waste transfer station.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (application number - 19/04682/PAN) on 2 October 2019.

Links

- Coalition pledges
- Council outcomes
- Single Outcome Agreement
Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site, covering approximately 3.2 hectares, lies between Broughton Road to the south and the Water of Leith to the north. The Water of Leith and associated land is designated as a Local Nature Conservation Site in the Local Development Plan (LDP). The site is bounded by the former goods railway line to the east and Redbraes Park beyond. To the west of the site are existing residential flats.

The eastern part of the site is comprised of the now demolished former waste transfer facility and the category B listed stable block (reference LB30290, listed 23 July 1993) which fronts onto Broughton Road.

The western part of the site contains three bowling greens, which are designated as open space in the Local Development Plan. However, they are not currently in use as bowling greens. The perimeter of this part of the site contains tree planting. The bowling greens sit at a lower level than Broughton Road. A Police Box is also located at the southern end of the site.

St Mark’s Path splits the site in two, connecting Broughton Road through to St Mark’s Park over the Water of Leith.

Vehicular access to the site is currently from Broughton Road.

2.2 Site History

27 September 2012 - planning permission granted for a prefabricated modular building to provide staff facilities (application number - 12/02684/FUL).

6 April 2018 - listed building consent granted to demolish a modern lean-to shed attached to northeast elevation of original listed stable block (application number - 18/00217/LBC).

12 December 2018 - Planning Committee approved the Powderhall Place Brief.

Main report

3.1 Description of the Proposal

The proposal will be for housing-led, mixed use development including the conversion of an existing Category B listed Stables building into a work and events space, new build intergenerational nursery with older person’s housing. New build mixed tenure homes and a variety of public a semi-public amenity spaces.
3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The proposed development will not have a serious detriment on the character and setting of any listed buildings and structures;

The site contains the listed stable block, whilst there are listed buildings associated with the adjacent Broughton Primary School. The impact of the proposed development on each of their setting and character will be considered in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

b) The principle of the development is acceptable in this location;

The site is within the Urban Area where several Local Development Plan policies apply.

The part of the site that contains the former waste transfer facility is safeguarded in the LDP for that use. Alternative uses will need to be justified.

The bowling greens are identified as open space within the LDP Proposals Map. Consequently, Policy Env 18 (Open Space Protection) and Policy Env 10 (Protection of Outdoor Sports Facilities) will apply to any proposals that result in the loss of open space.

c) The design, scale and layout are acceptable with the character of the area;

The proposal will be considered against the provisions of the LDP and the Edinburgh Design Guidance. This includes any potential impact on the listed building and its setting.

The proposals will need to consider how the proposed development will integrate with its surroundings and consider the principles set out in the approved Powderhall Place Brief.

A Design and Access Statement will be required to accompany the application.
d) Access, parking and servicing arrangements are acceptable in terms of road safety and public transport accessibility;

The proposal should have regard to transport policies of the LDP. Consideration should be given to the impact on traffic flows on local streets, and access to public or alternative means of transport. Transport Information will be required to support the application.

The place brief proposes routes through the site, including a potential link to the former railway line to the east of the site, which is safeguarded in the LDP for a footpath / cycle path.

e) There are any other environmental factors that require consideration;

The proposals will be required to demonstrate that the site is capable of accommodating the development and that there is sufficient infrastructure capacity. The proposal will be assessed in line with LDP policy Del 1 (Infrastructure delivery and developer contributions).

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable impact on the environment. In order to support the application, the following documents are likely to be expected (this list is not exhaustive):

- Pre-application Consultation Report;
- Planning Statement;
- Contaminated land report;
- Design and Access Statement;
- View Analysis;
- Ecological survey and report;
- Tree survey and constraints plan;
- Transport information;
- Flood Risk Assessment and Surface Water Management Plan; and
- Sustainability Statement.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

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 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions have taken place.

The Place Brief was subject to community consultation.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 19/0468/PAN) outlined public exhibitions were held on 23 October 2019 at McDonald Road Library between 16:30 and 19:30, and 24 October 2019 at Broughton Primary School between 17:30 and 20:00. The PAN also indicated that additional public consultation will take place in November/December.

The applicant also notified New Town and Broughton Community Council, Leith Central Community Council, Broughton Primary School Parent Teacher Association and Powderhall Village Owners Association of the PAN. The Planning Authority also advised the applicant to send a copy of the PAN to Leith Walk and Inverleith ward councillors and also to Stockbridge/Inverleith Community Council.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report.
Background reading/external references

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

David R. Leslie  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning Officer  
E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

Location Plan

© Crown Copyright and database right 2015. All rights reserved. Ordnance Survey License number 100023420

END
This page is intentionally left blank
Development Management Sub Committee

Wednesday 4 December 2019

Report for forthcoming application by

Taylor Wimpey Limited and BL Chesser Ltd. for Proposal of Application Notice

19/04823/PAN

At Land 131 Metres Southeast Of 119, Ferniehill Drive, Edinburgh

Residential development and associated works at land known as 'Highfield', Drum Estate.

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission in principle for a residential development and associated works at land known as 'Highfield', Drum Estate, Edinburgh. In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 19/04823/PAN on 08 October 2019.

Links

Coalition pledges
Council outcomes

Single Outcome Agreement
Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The application site is approximately 6.12 hectares in area and is located within land known as 'Highfield' within the Drum Estate. The site sits to the east of the urban boundary and is designated greenbelt and a Special Landscape Area (The Drum). Drum Wood sits to the south-east of the site boundary and is a designated Local Nature Conservation Site. Although not within, the Historic Garden Designed Landscape Inventory Site: The Drum, adjoins the majority of the application site’s eastern boundary. To the north the site bounds the A7. A Tram safeguard runs along this part of the A7.

A low rise stone wall flanks the northern, and part of the western boundary, with a wide grassed verge sitting between the edge of the site and the road. The land banks up from the road to the site. There is a dense band of trees to the northern and western site boundaries, with additional clusters and individual trees spread across the site. The site is covered by a mix of grass/scrub and vegetation. There is a path adjacent to the eastern site boundary.

Category B listed gate piers (listed building ref: 43258, listed 15 April 1996) sit adjacent to the southern corner of the site, with stone wall running along the eastern boundary.

To the north-west and south-west respectively are the existing residential areas of Moredun and Gilmerton. The residential area of Danderhall is located to the north east of the site and falls within the administrative boundary for Midlothian Council.

2.2 Site History

No relevant planning history.

Neighbouring Sites

Edmonstone/Old Dalkeith Road (land to the north of the site)

13 August 2014 - planning permission in principle withdrawn for a cemetery (including provision for woodland burials), memorial garden, chapel of rest and associated development (application number 13/05235/PPP).

23 April 2015 - planning permission in principle granted for a cemetery, crematorium, memorial garden, chapel of rest and associated development (application number 13/05302/PPP).
3 July 2015 - planning permission in principle for residential development granted on appeal (application number 14/01057/PPP).

04 September 2018 - application for approval of matters specified in Conditions 1 and 6 of Planning Permission in Principle 14/01057/PPP (Appeal Reference PPA-230-2131) - residential development, Ancillary Uses and Associated Development on Land 447 Metres Northeast of 545 Old Dalkeith Road Edinburgh (application number 18/00508/AMC).

The Drum (land to the south of the site)

18 June 2015 - planning permission in principle refused for residential development and associated works at land 146 metres east of 143 Drum Street, Edinburgh (application number 15/02905/PPP).

29 July 2015 - planning permission in principle granted for residential development and associated works at land 126 metres north of 137 Drum Street, Candlemaker's Park. This is at the north western part of the wider site (application number 14/01238/PPP). This site is allocated for housing in the Edinburgh Local Development Plan.


31 August 2017 - approval of Matters specified in Conditions for residential development including detailed site layout plan showing position of buildings, roads, footpaths, parking, cycle parking, boundary treatments, landscaping, details of existing and finished levels, flood attenuation details (matters listed in conditions 1, 2, 4 and 6 of planning consent 14/01238/PPP) (as amended) (application number 17/00696/AMC).

07 May 2018 - Approval of matters specified in conditions application for residential development including associated roads and landscaping (matters listed in condition one of planning consent 14/01238/PPP) (application number 17/05802/AMC).

21 December 2018 - approval of variation to Condition 1, attached to planning permission 18/00508/AMC, to change the trigger point for delivery of the upgraded signalised junction at The Wisp with Old Dalkeith Road to prior to the occupation of any residential dwellings rather than prior to the commencement of development (application number 18/09481/FUL).

05 July 2019 - Application for the Modification or Discharge of Planning Obligations (OBL) (application number 19/02342/OBL).
3.1 Description Of The Proposal

The description in the Proposal of Application Notice anticipates that an application for planning permission in principle will be submitted for a residential development and associated works.

No further details have been submitted to accompany the PAN.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The proposed development will have a serious detriment on the character and setting of any listed buildings and structures;

Category B listed gate piers sit adjacent to the southern corner of the site. The impact of the proposed development on their setting and character will be considered in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

b) The principle of development is acceptable in this location;

The site is designated as green belt in the Edinburgh Local Development Plan (LDP). The proposal is therefore contrary to Policy Env 10 in principle and a reasoned justification to allow development within the greenbelt will need to be provided as part of the application. Consideration will need to be given to Scottish Planning Policy and Strategic Development Plan Policy 7 in terms of the requirement to maintain a five-year effective housing land supply.

Due to the location of the site, consultation with Midlothian Council will be required to consider any cumulative impacts.

c) The design, scale and layout are acceptable within the character of the area; and wider regeneration;

The proposal will be considered against the provisions of the Edinburgh Local Development Plan and the Edinburgh Design Guidance.
Sufficient information will be required to demonstrate how the development will take account of the existing designations present on the site. Specifically, this includes the special landscape area and the impacts on the adjacent local nature conservation site and the Gardens and Designed Landscape Inventory site to the east.

Although the application is for planning permission in principle, it is expected that a Design and Access Statement will be submitted. A strong design framework/masterplan should be developed to avoid piecemeal development and aid in creating a high quality place. In addition it will be necessary to demonstrate that the proposal will not have any adverse impact on view cones.

d) Access arrangements are acceptable in terms of road safety and public transport accessibility:

The proposal should have regard to the Council's parking standards, transport policies and respond to the requirements of the Edinburgh Street Design guidance. Transport Information will be required to support the application. This should include consideration of the cumulative impact with other development in the southeast of Edinburgh, including Midlothian.

e) There are any other environmental factors that require consideration;

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. The proposal will need to be screened to determine if an Environmental Impact Assessment is required. In order to support the application, it is anticipated that the following documents will be required:

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Transport Information;
- Flood Risk Assessment and Surface Water Management Plan/SUDS;
- Site investigation report;
- Coal Mining Risk Assessment;
- Phase 1 Habitat and Protected Species Survey;
- Air Quality Impact Assessment;
- Landscape and Visual Impact Assessment;
- Tree Survey and constraints plan;
- Noise Assessment;
- Drainage Impact Assessment;
- Archaeological Evaluation;
- Phase 1 Habitat and Protected Species Survey; and
- Conservation Plan.
3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

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 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

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 Proposal of Application Notice (reference: 19/04823/PAN) outlined a public exhibition to be held on 25 November 2019 at Gilmerton Library between 3pm and 7pm. The agent has advised that this has now been postponed until the new year but that the same venue and similar timings will be adhered to for the new date. The Planning Authority and all relevant parties will be notified when a new date has been identified.

The PAN decision notice also requests that additional consultation is carried out through the distribution of leaflets to neighbouring properties and the display of posters on local noticeboards as considered appropriate, for example, within shops or libraries. In addition, a copy of the PAN should be sent to Danderhall Community Council.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report.
Background reading/external references

- To view details of the proposal of Application Notice go to Planning and Building Standards online services
- Planning guidelines
- Conservation Area Character Appraisals
- Edinburgh Local Development Plan

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Astrid Walker, Planning Officer
E-mail: astrid.walker@edinburgh.gov.uk Tel: 0131 529 3620
Location Plan
Development Management Sub Committee

Wednesday 4 December 2019

Report for forthcoming application by

The Ross Development Trust. for Proposal of Application Notice

19/05115/PAN

At West Princes Street Gardens, Princes Street, Edinburgh. Demolition of the existing Ross Theatre and removal of associated terraced viewing area and their replacement with a new event pavilion building and amphitheatre. Creation of a Welcome Centre comprising, café (Class 3), event spaces and associated facilities. Creation of a new Family Area comprising an upgraded play area, event space, café (Class 3) and toilets. Introduction of a new footpath network, landscape works and replacement and enhancement of the existing pedestrian and service bridges. A new access road from Kings Stables Road to service West Princes Street Gardens and all associated development.
Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for the replacement of the existing Ross Bandstand with a new event pavilion building and amphitheatre. The proposal will also include a new welcome centre comprising a cafe, event spaces and associated facilities, a new family area with play area, event space and cafe, and the introduction of a new footpath network and landscaping works. Replacement of the existing pedestrian and service bridges is also proposed, along with a new access road from Kings Stables Road to service the new development.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 23 October 2019 (19/05115/PAN).

Links

- Coalition pledges
- Council outcomes
- Single Outcome Agreement
Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site is located in West Princes Street Gardens, a Council owned park located to the south of Princes Street and west of the Mound. St Cuthbert's Church is located along the western boundary of the site. The site boundary extends southwards to include the two existing bridges over the railway line and the existing access road from King’s Stables Road, with Edinburgh Castle located beyond. The existing Ross Bandstand is located within the centre of the site.

The site comprises a number of listed buildings, structures and monuments:

− The Category A listed Ross Fountain (Listed building reference: LB27911).
− The Category B listed West Princes Street Gardens Police Box (Listed building reference: LB48252).
− The site also sits to the north of the A listed Edinburgh Castle (listed building reference: LB28010).
The majority of the site is located within the New Town Conservation Area and part of the site providing access to the south is located within the Old Town Conservation Area. The site is wholly located within the Old and New Towns of Edinburgh World Heritage Site, the Historic Garden Designed Landscape Inventory Site New Town Gardens and Dean, Special Landscape Area Princes Street Gardens; and a Local Nature Conservation Site. The proposed southern access into the site is located within the Special Landscape Area Castle Rock, the Scheduled Ancient Monument Edinburgh Castle, and the International and National Natural Heritage Designation SSSI.

2.2 Site History

There is one application relevant to the Ross Bandstand (located in the centre of the Gardens):


There are two applications relevant to the Ross Fountain (located in the west part of the Gardens):

9 March 2017 - Dismantle existing fountain and repair as necessary and then re-assemble the fountain in its original position. Reinstate hoop-topped railings (application reference number: 16/06377/LBC) - Granted.

25 July 2017 - Proposed piling and underground access chamber to Ross Fountain. Above ground works are limited to 2 no. access manholes, 2 no. vent ducts, and 1 no. control pillar. Listed building consent has already been granted for the renewal of the fountain and surrounding features (application reference number: 17/01522/FUL) - Granted.

There is one application relevant to the Cottage (located in the east part of the Gardens):

16 February 2017 - Relocate existing boiler flue terminal on roof of North Elevation; new kitchen extract. Alterations to internal walls to expose fireplaces, internal entrance door glazing to be replaced + new flooring internally (application reference number: 16/06263/LBC) - Granted.

Other relevant application:

16 September 2013 - Erection of a bronze statue and interpretation panel on a masonry base with accompanying landscaping (application reference number: 13/02699/FUL) - Granted.

An architectural competition for the Ross Bandstand was completed in August 2017.
Main report

3.1 Description of the Proposal

An application for detailed planning permission will be submitted for the replacement of the existing Ross Bandstand with a new event pavilion building and amphitheatre. The proposal will also include a new welcome centre comprising a cafe, event spaces and associated facilities, a new family area with play area, event space and cafe, and the introduction of a new footpath network and landscaping works. Replacement of the existing pedestrian and service bridges is also proposed, along with a new access road from King’s Stables Road to service the new development.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The proposed development will have a serious detriment on the character and setting of any listed buildings and structures;

The site contains and is located close to several listed buildings and structures. The impact of the proposed development on each of their setting and character will be considered in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

b) The proposal will preserve and enhance the character and appearance of the Old Town and New Town Conservation Areas;

This key consideration includes both the physical development and use of the gardens and new facilities (including their management) on the character and appearance of the New Town Conservation Area. This will be assessed in relation to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan. Conservation Area Consent will be required for the demolition of the existing Ross Bandstand.

c) The principle of the development is acceptable in this location;

The acceptability of the proposed uses and potential intensification of the existing uses in this location is a key consideration. The site is located in the City Centre, as defined in the Edinburgh Local Development Plan. The Plan supports development within this location which maintains and enhances the character, attractiveness, vitality and accessibility of the city centre.
The site is also covered by the 2007 City Centre Princes Street Development Framework. The purpose of this Framework is to set out development principles to guide and co-ordinate development and investment in the city centre. The long term aspiration of the Council is to sustain and enhance the city centre as the regional focus for shopping, entertainment, commercial leisure and tourism related activities and encourage the development of the highest quality. The Framework emphasises the strong connection between Princes Street and the Ross Bandstand and associated entertainment in the gardens. It refers to a new cultural quarter which could house a green room for the new band stand, further enhancing the character of the area.

**d) The proposals will have no adverse impact upon the Outstanding Universal Value of the World Heritage Site;**

Chapter 4 of the 2011-2016 Management Plan sets out an interpretation of the key attributes of the Outstanding Universal Value which are further explained in Appendix D.3 of the 2017-2022 Management Plan. The Management Plan recognises the importance of the topography in shaping the townscape and key views both out and into the World Heritage Site. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

**e) The design, scale, layout and materials are acceptable within the character of the area and contribute to a sense of place;**

A key consideration is ensuring integration with the existing landscape and townscape from key views and approaches. The proposal will be considered against the provisions of the Edinburgh Local Development Plan and Edinburgh Design Guidance. A Design and Access Statement will be required to accompany the application.

**f) The proposal is not detrimental to the amenity of neighbours;**

The proposal will be assessed against relevant design policies in the Edinburgh Local Development Plan and non-statutory guidance. A noise impact assessment will be required in support of the application.

**g) Access arrangements are acceptable in terms of road safety and public transport accessibility;**

Pedestrian permeability and connectivity through the site and beyond, including improvements to the public realm is a key consideration. The proposal should have regard to the Council's parking standards, transport policies in the Edinburgh Local Development Plan and the requirements of the Edinburgh Street Design Guidance. Consideration should be given to the impact on traffic flows on local roads and access to public transport. Transport information will be required to support the application to assess the effects of the proposal on local infrastructure and the accessibility of the site. Consideration also needs to be given to enabling safe and convenient pedestrian and cycle movement into and through the site, where appropriate.
h) There are any other environmental factors that require consideration;

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable impact on the environment. In order to support the application the following documents will be submitted:

− Pre-application Consultation Report;
− Planning Statement;
− Design and Access Statement;
− Transport Information;
− Noise Impact Assessment;
− Sustainability Statement;
− Landscape and Visual Impact Assessment;
− Archaeological Assessment;
− Flood Risk Assessment and Surface Water Management Plan;
− Drainage Impact Assessment; and
− Site Investigation Report.

The application will require to submit an EIA Report.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

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 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions are taking place on this application.
8.2 Publicity summary of representations and Community Council comments

Online consultation will run from 4 November 2019 to 1 December 2019, available through the Ross Development Trust and Quaich Project website. Eleven consultation events are proposed across the city. These are listed below:

- Saturday 9 November 2019, 10.30 - 16:30 (Central Library)
- Monday 11 November 2019, 13:00 - 19:30 (Central Library)
- Tuesday 12 November 2019, 10.30 - 16:30 (Central Library)
- Wednesday 13 November 2019, 13:00 - 19:30 (Central Library)
- Thursday 14 November 2019, 10.30 - 16:30 (Central Library)
- Friday 15 November 2019, 10.30 - 16:30 (Central Library)
- Saturday 16 November 2019, 10.30 - 16:30 (Central Library)
- Tuesday 19 November 2019, 13:00 - 19:30 (Morningside Library)
- Wednesday 20 November 2019, 13:00 - 19:30 (Leith Library)
- Thursday 21 November 2019, 13:00 - 19:30 (Portobello Community Centre)
- Monday 25 November 2019, 10.30 - 16:30 (Drum brae Library Hub)

Two further consultation events are proposed at the Central Library on Monday 24 February 2020 (10.30 - 16:30) and Tuesday 25 February 2020 (13:00 - 19:30).

The Old Town Community Council, New Town and Broughton Community Council, West End Community Council, Tollcross Community Council, City Centre Ward Councillors and the MSP for Edinburgh Central have been notified of the proposal.

In addition to the proposed consultation events, the Ross Development Trust will continue to engage with key stakeholders and organisations. The proposals were presented to the Edinburgh Urban Design Panel on 28 August 2019.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report.
Background reading/external references

- To view details of the proposal of Application Notice go to
  Planning and Building Standards online services
- Planning guidelines
- Conservation Area Character Appraisals
- Edinburgh Local Development Plan

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Emma Fitzgerald, Senior Planning Officer
E-mail: emma.fitzgerald@edinburgh.gov.uk Tel: 0131 529 3794

Location Plan

© Crown Copyright and database right 2015. All rights reserved. Ordnance Survey License number 100023420
END
Development Management Sub Committee

Wednesday 4 December 2019

Application for Approval of Matters Specified in Conditions 19/02993/AMC
At Land Adjacent To 194 Fountainbridge, Edinburgh
Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form + massing; design + materials; daylight + sunlight; design + operation of private/public open spaces; roads, footways/cycleway/access/servicing + parking; venting + electric vehicle charging; drainage; waste management; operational requirements for commercial uses/ sustainability/floor levels/lighting; site investigation/hard + soft landscaping details + noise mitigation.(As Amended).

Summary

The proposed development complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not affect the adjacent listed building while it enhances its setting. The proposal implements the second phase of the PPP consent and completes the wider masterplan for Springside. It will make a significant contribution to the overall housing mix in Edinburgh and mix of uses within the wider Fountainbridge regeneration area, supporting the aspirations of the Fountainbridge Development Brief. The development is in accordance with the planning permission in principle. The building massing and form are acceptable. The proposed development is acceptable in terms of amenity and will provide a modern development with high quality public and private spaces for the benefit of future occupiers. Overall, it makes a positive contribution to the regeneration of the area and provides a mix of housing sizes which are compatible with the neighbouring land uses. It will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.
## Links

| Policies and guidance for this application | LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN03, LEN09, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LRET01, LRET05, LTRA02, LTRA03, LTRA04, NSGD02, DBFOUN, |
Application for Approval of Matters Specified in Conds 19/02993/AMC
At Land Adjacent To 194, Fountainbridge, Edinburgh
Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form + massing; design + materials; daylight + sunlight; design + operation of private/public open spaces; roads, footways/cycleway/access/servicing + parking; venting + electric vehicle charging; drainage; waste management; operational requirements for commercial uses/sustainability/floor levels/lighting; site investigation/hard + soft landscaping details + noise mitigation.(As Amended).

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

Background
2.1 Site description

The site is in the Urban Area as defined in the Edinburgh Local Development Plan (LDP). The site forms part of the wider Fountainbridge area identified as Proposal CC3 in the LDP.

The site forms part of the former brewery on the north side of Fountainbridge/Dundee Street, now known as Springside (formerly known as Fountain North). The wider masterplan has now been partly built out to the west and east of the application site. The application site, of approximately 0.53 hectares, covers the southern part of the wider site. The site is bound to the west by Drysdale Road, linking Dundee Street and the West Approach Road, with two large blocks of student accommodation lying beyond. Fountain Park leisure complex lies further west beyond these. To the east lies Melvin Walk, a pedestrian access route linking Fountainbridge with the West Approach Road. The Springside residential development is located on the eastern side of Melvin Walk. Beyond this lies the existing tenemental streets of Upper Grove Street, Brandfield Street and Grove Street.
To the north of the wider PPP site is the West Approach Road and to the south is Dundee Street/Fountainbridge. Both these roads carry high volumes of traffic into and through the area. Beyond the West Approach Road, to the north is Morrison Crescent, a residential development of affordable dwellings. To the south of Fountainbridge/Dundee Street is the former brewery site which has also been partially built out with the redeveloped C listed Edinburgh Printmakers (Listed Building Reference: LB44936), new student accommodation, and the new Boroughmuir High School.

2.2 Site History

Site specific

03 November 2004 - Fountainbridge Development Brief approved (amendment approved on 1 December 2005).

06 December 2006 - outline planning permission granted for a mixed use development on the wider brownfield site subject to a legal agreement and conditions (application reference number: 05/00106/OUT).

13 December 2016 - Planning Permission in principle granted for mixed use development including residential, Class 1 (Retail), Class 2 (Financial, Professional and other services), Class 3 (Food and Drink), Class 4 (Business), and/or Hotel/Class 7; Detailed matters included for the siting + maximum height of building blocks, points of vehicular access + egress, location of pedestrian routes, all detailed matters for the North block (Building A1), new public square + pavilion building - as amended (application reference number: 15/02892/PPP). This PPP consent comprises Block A1 fronting West Approach Road, Block D to the south of this and Block E fronting Dundee Street.

29 November 2018 - Approval of matters specified in Conditions 1, 6 + 7 of 15/02892/PPP for Building 'D' relating to form and massing, design and materials, daylight + sunlight, private/public open spaces, roads, footways, cycleway access, servicing + parking, venting, electrical vehicle charging, drainage, waste management, sustainability, floor levels, lighting, site investigation + hard/soft landscaping details (as amended). Granted. (Application reference number: 18/01349/AMC).


21 June 2019 - Detailed application for a new public square, hard and soft landscaping features, lighting, furniture, seating and associated infrastructure (application reference number: 19/02988/FUL) - pending consideration.
Main report

3.1 Description of the Proposal

The application is for approval of matters specified in condition 1 of the planning permission in principle (PPP) (application reference number 15/02892/PPP) varied under applications 15/02892/VARY and 15/02892/VAR2. This application is for Building E, which fronts onto Dundee Street. The proposal is for residential development with class 1, 2, 3 and 4 uses on the ground floor.

Condition 1 of the PPP consent requires that before works commence on site, further applications shall be submitted to and approved in writing by the Planning Authority in respect of the following matters specified in conditions:

- Block D - building form and massing;
- Block E - any element that exceeds a height of 89.9 metres AOD;
- Design and materials of the development including design of all external features and glazing specification (including acoustic capabilities);
- Daylighting/sunlighting and privacy calculations to neighbouring properties;
- Design and configuration of all private and public open spaces including all materials and finishes;
- Operational aspects of all private and public open space;
- roads, footways, cycleways, access arrangements and servicing and the layout of underground and surface parking (including disabled) and cycle parking provision;
- Location and details of car parking venting/exhaust termination and electric vehicle charging outlets and ducting;
- Drainage arrangements, SUDs proposals and SUDs maintenance plan;
- Waste management and recycling facilities;
- All operational requirements for the commercial and business uses including servicing arrangements, opening hours, deliveries/collections, ventilation, servicing, external plant machinery;
- Full details of sustainability measures in accordance with Edinburgh Design Guidance;
- Existing and finished site and floor levels in relation to Ordnance Datum;
- External lighting, including floodlighting and street lighting arrangements for the development;
- Site investigation/decontamination arrangements;
- Hard and soft landscaping details:
  (i) Detailed landscaping plan;
  (ii) A schedule of all plants to comprise species, plant size and proposed number and density;
  (iii) Inclusion of hard landscaping details;
  (iv) Walls, fences, gates and other boundary treatments;
  (v) Landscape management plan including schedule for implementation and maintenance of planting scheme; and
  (vi) Tree protection measures.
As well as the above matters, the application has supplied information to satisfy conditions 5, 6, 7, 8, 12 and 13 of the PPP consent. In summary these are as follows:

- Condition 5 requires the hours of operation of class 1, class 2, class 3 and class 4 to be agreed;
- Condition 6 requires the hours of operation of any external seating area to be agreed;
- Condition 7 requires the application to be accompanied by a detailed Daylight Privacy and Sunlight assessment;
- Condition 8 requires the inclusion of a minimum of 70% active commercial frontage (Class 1, Class 2, Class 3 and Class 4) onto Fountainbridge/Dundee Street;
- Condition 12 requires a noise impact assessment to be provided for Blocks D and E; and
- Condition 13 requires cooking odour ventilation details to be provided.

**Scheme one**
Amendments have been brought forward during the assessment of the proposals. The main changes include:

- Reduction of mass through the addition of setbacks at level 6;
- The introduction of private roof terraces to the flats at level 6;
- Slight increase in height due to insulated terrace build up at level 6;
- Increased articulation of the southern elevation through stepping the footprint;
- New recess in the west elevation to provide variation in the roof line and to break up the elevation;
- Material changed from metal cladding to pre-cast concrete around the commercial units at ground floor;
- Increased recess to the east elevation, with materials changed to pre-cast concrete cladding within this recess;
- Enhanced feature entrance onto the public square;
- Reduction in the number of flats from 140 to 139;
- Amendment to the housing mix following amendments to the building form;
- Reduction in the radius of the junction with Drysdale Road from 10m to 8m;
- Reduction in the footway width to between 3.8 and 3.9m along Dundee Street to accommodate a future cycle path; and
- Six additional cycle racks added to the public realm.

Under the PPP, the upper floors were envisaged to come forward as either office or hotel or residential uses with active commercial uses on the ground floor. This application (scheme two) is for 139 Build to rent residential units. Build to Rent is a housing tenure with properties owned, managed and let by a large scale private landlord on the open market. The concept is based on purpose built integrated development which provides residential accommodation alongside shared on-site amenities. In addition, the Build to Rent units will be fully managed on a 24 hour 7 days a week basis and there will be a concierge facility which will take deliveries of goods.
Building E comprises of a variety of housing sizes ranging from studios to three bedroom duplex apartments. The breakdown of 139 residential units within Building E is as follows:
- Studio: 25 (18%)
- One bed: 47 (34%)
- Two bed: 42 (30%)
- Three bed: 25 (18%)

Detailed planning permission is in place for the northern block (Building A1) and public square with associated pavilion and Building D. Taking Building A1, D and E together, the percentage of family housing is 18% site wide.

To satisfy condition 8 of the PPP, the application also includes 1,213 square metres of commercial floorspace (Class 1, 2, 3 and 4) at ground floor level along Dundee Street, providing 100% active frontage.

The application proposes development of a seven storey urban block fronting Fountainbridge and extending north along Drysdale Road to the west and alongside the public square to the east. The height of the building reduces to one storey along the northern elevation, with a non-accessible sedum green roof.

Pedestrian circulation is proposed around the site and between Buildings E and D. There is an underground car park beneath Building D, which serves Buildings A1, D and E. Although no additional car parking places are proposed as part of this application, residents will have access to these spaces, if required, via an accessible pedestrian route proposed beneath the eastern core of Building E. The development proposes 280 secure cycle parking spaces and 12 visitor cycle spaces within the public realm.

A number of the flats will benefit from private terraces/gardens and balconies, with access to the communal open space consented as part of Building D.

The proposed facade materials are a mix of blonde brick, grey brick and red brick, with elements of pre-cast concrete. Metal framed windows with bronze finish are proposed. The proposed materials for the public realm works include a mix of Caithness paving, granite setts and clay pavers.
Supporting documents

The following documents have been submitted in support of the application:

- Planning Note and Conditions Schedule;
- Design and Access Statement (and Addendum);
- Daylight and Sunlight Report;
- Drainage Strategy Report;
- Flood Risk Assessment Report;
- Transport Statement;
- External Landscape Management Plan;
- Noise Assessment;
- Verified Views;
- Affordable Housing Statement;
- Ventilation details;
- Sustainability Statement and S1 Form; and
- Site Investigation Report.

These documents can all be viewed on the Planning and Building Standards Online Service.

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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) Detailed land use location and mix;

(b) The details of the development are acceptable;

(c) Impact on the setting of the C listed building;

(d) There will be any equalities or human rights impacts; and

(e) The representations have been addressed.

(a) Detailed land use location and mix

The principle of residential development on the upper floors of Building E has already been established under the PPP consent, indicating that Building E could provide in the region of 100-150 residential units. The application proposes 139 Build to rent homes within Building E. Section 2.12 of the Edinburgh Design Guidance states that the Build to Rent sector has the potential to make a positive contribution to the overall housing mix in Edinburgh. These developments are considered a strand of mainstream housing and relevant Local Development Plan (LDP) policies and guidance still apply.

The application also proposes 100% active commercial frontage (Class 1, 2, 3 or 4 uses) to Dundee Street, exceeding the requirement for 70% as set out in condition 8 of the PPP. This also supports the aspirations of the Fountainbridge Development Brief and LDP to create a new local centre at this location. By locating new commercial and retail uses in this location, the proposal complies with LDP Policy Ret 5.

Land use mix and location accords with the PPP land use options and the required ground floor commercial space.

(b) Acceptability of the details

Height, scale and massing

For Building E, the detailed elements consented as part of the PPP were:

- The mix of land uses;
- The maximum general siting of the principal building blocks;
- The maximum height of the principal blocks;
- Points of pedestrian and vehicular access; and
- A public realm and landscaping strategy.

At PPP stage, the maximum extent of Building E was consented as a single block fronting Dundee Street, with a maximum AOD height of 89.9m.

The mass and form of Building E has been designed further as part of this application to reflect the context, sun patterns and internal uses. A reduction in its mass is
proposed along the northern elevation, taking this entire section down to one storey, creating private terraces for all first floor flats overlooking a central inaccessible sedum green roof. This proposed form mirrors the courtyard form of Building D, whilst also increases daylight provision to the landscaped street between the two blocks. Elevational recesses are introduced which not only reduce the mass to proportions similar to individual blocks, but also emphasise the verticality of key entrance points. Likewise, setbacks at the top floor have been introduced which reduces the massing further and suggests a more intimate, domestic scale within the roof space.

While the maximum extent of the building was approved as part of the PPP, condition 1 required that any element of Building E between 89.9m AOD and 95.5m AOD requires approval as part of an AMC. The spatial character of the area is mixed. The Fountainbridge Development Brief notes that this area is characterised by buildings of greatly differing scales. The Fountainbridge Development Brief also offers guidance on the height of new development. It states that in general, all buildings should be set out to 16m at eaves and 19m at ridge, with a street width of 20m at ground floor level. It goes on to state that higher buildings should be located around the local centre along Dundee Street and 19m eaves height would be supported along the North-South link, located along the eastern boundary of the site. It is noted in the Fountainbridge Development Brief that the guidance provided on heights should not be used as a rule book or method of calculating the maximum development potential of sites. These specified heights are intended to create a scale and proportion of development which sits comfortably within its context.

The parapet height of Building E is 91.090m AOD, with elements of rooftop plant rising to 93.450m AOD. The parapet is 1.165m higher than Building D to the north and the 89.9m AOD height consented under the PPP. This is a consequence of achieving higher floor to soffit heights within the ground floor commercial units, and a result of creating accessible private roof terraces. The maximum proposed ridge height is between 23-24m. This is 2.09m higher than the residential buildings consented on the southern side of Dundee Street, 7.575m higher than the C listed Edinburgh Printmakers, 2.253m higher than the student accommodation on the western side of Drysdale Road, 3.148m higher than the Hampton Hilton east of the public square, and 3.148m higher than the existing Springside development to the east of McEwan Square. The building mass is organised in a U-shape with its highest elements designed to create a positive enclosure to Dundee Street, Drysdale Road to the west and the new public square to the east. This height is within the reserved height and creates a well-considered urban scale and response to the context and aspiration to create a focal point for wider regeneration.

It is acknowledged that the rooftop plant elements and lift over-run rise above the roof level by between 1.06m and 2.36m. However, these elements equate to only 50m2 and cover only 2.7% of the roof covering. They are also set back from the roof edge, reducing the visual impact from the surrounding streets and properties. In this regard, it has been sensitively integrated into the design of the buildings to avoid impacting upon the surrounding townscape.
The submitted View Analysis demonstrates the proposed buildings will be visible below the skyline and will merge with existing buildings. Within the view from the Castle Ramparts, it is consistent in character and appearance in the context of the modern architectural forms in the vicinity. It is therefore, not considered to pose a significant effect on the character of the townscape or the visual amenity from this key viewpoint.

The overall design presents an appropriate form of development on this site. It acknowledges its context and sits comfortably with the adjoining buildings. The building form and massing is acceptable and complies with LDP Policy Des 4a)-c) and the Fountainbridge Development Brief.

Design and materials

The application seeks approval for the detailed design of Building E, including the materials, design of all external features and glazing specification.

LDP Policy Des 1 states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. The form of Building E continues the themes already established within the Springside area, providing a bold, contemporary architectural statement referencing the site’s industrial past. Strong vertical facade treatments have been introduced to the elevations. The combination of setbacks in the building line, the projection of balconies, the expressed parapets and the careful use of curtain walling successfully breaks up the massing of the building and provides a series of engaging elevations. Furthermore, the proposed size and alignment of the windows introduces a strong vertical emphasis. The bottom section of the building is robust in character, whilst also being more visually permeable, providing a common horizontal base to the street and incorporating continuous commercial/retail space onto Dundee Street. This creates a commercial aesthetic to the ground floor, appropriate to the creation of a new local centre.

The proposed material palette will ensure consistency between elevations. The existing buildings which form part of the wider Springside development have been predominantly clad in blonde brick. This references the industrial heritage of the site whilst also reflects the tones and textures of Edinburgh sandstone and the red brick of the C listed Edinburgh Printmakers. The proposal for Building E is to continue the use of brick as the primary external material, taking reference from its historical precedent. The use of three tones of brick (blonde, grey and red) will articulate a clearly defined sense of proportionality, and an attractive architectural composition and elevational rhythm, whilst also adding to a sense of place and cohesion. At level six, sections of solid and glazed curtain wall are introduced to break down the massing, articulate the roof line and provide visual interest. At ground floor, full height and fully glazed curtain wall defines the commercial units, framed by concrete with corner piers to add solidity to the base. This creates a strong active relationship with the street, whilst also articulating the commercial ground floor.
On the eastern elevation, precast concrete cladding on the recessed element defines the main entrance point for residents, marked further by a lightweight metal clad canopy. The subtle re-ordering of the materials, recessed detailing, continuation of a concrete horizontal base framing the internal amenity spaces and lightweight entrance canopy on this elevation provides a strong civic composition to the consented public space. Whilst the Fountainbridge Development Brief states that the predominance of stone in the surrounding area should form the key reference point for the design of new proposals, the choice of brick and precast concrete creates a solid masonry block. This adds to a sense of place and cohesion which also reflects the heritage of the area.

The windows within Building E will continue the treatment of the windows proposed in Building A1 and D. These will be tall aluminium windows finished in bronze, maximising levels of daylight within each of the flats. They introduce a strong vertical emphasis, ensuring that the building reflects the coherent design philosophy for the entire site. The majority of windows will also have steel framed Juliette style balcony with fully openable windows to add variation to the elevations. The detailed specification, including trade names where appropriate, of all the proposed external materials will be required to be approved separately under the provisions of Condition 3 of the original PPP consent.

The design and materials are well considered and appropriate in this location, creating a sense of place as part of the wider regeneration. The application complies with LDP Policy Des 1 and Des 4d).

**Neighbouring residential amenity**

The application site lies within a relatively dense urban context and in close proximity to a number of existing residential properties. The Edinburgh Design Guidance recognises that in many cases the townscape surrounding a site does not always satisfy the daylight and sunlight requirements. A detailed analysis has been undertaken and a Daylight and Sunlight Report has been submitted by the applicant, satisfying condition 1 and 7 of the PPP consent.

In terms of daylighting, the report concludes that the proposed development will have less of an impact on the daylight amenity of the surrounding buildings than the proposed massing of Building E in the PPP. A further two residential buildings south of Dundee Street (India Quay Blocks W4 and W3) were assessed, which didn't previously have consent at the time of the PPP. Block W4 will retain the potential for adequate daylight and complies with the requirements of the Edinburgh Design Guidance. For Block W3, the results indicate that the majority of rooms will retain the potential for adequate daylight and comply with the requirements of the Edinburgh Design Guidance.

In terms of overshadowing and sunlight, the impact of the development on the existing surrounding gardens and amenity space will be negligible. Overall, the application significantly improves upon the performance of the massing consented under the PPP in relation to sunlight received to surrounding amenity areas and there is a significant improvement in sunlight received to one of the external areas to the Block D courtyard, which now fully complies with the Edinburgh Design Guidance.
In terms of privacy and outlook, the proposed layout of the development broadly reflects the existing townscape pattern and layout approved by the PPP consent. The proposed development is located a sufficient distance away from existing residential properties so as not to result in any significant overlooking or loss of privacy to these neighbouring dwellings.

The changes made to the design through the determination of the application are considered negligible in terms of impact upon daylight received to surrounding properties. A statement supporting this was submitted with scheme two.

In conclusion the proposals will not impact on existing residential amenity and thus, accord with LDP Policy Des 5a).

Amenity of future occupiers

Housing mix

LDP Policy Hou 2 seeks the provision of a mix of house types and sizes to meet a range of housing needs, including those of families, older people and having regard to the character of the surrounding area and its accessibility. This mix should respond to the differing needs of residents, immediate site conditions and to citywide objectives. The Edinburgh Design Guidance states that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. These types of homes should have three or more bedrooms, a minimum internal floor area of 91 square metres, have good levels of storage and have direct access to private gardens or safe play areas for children.

The proposal comprises a mix of studio (18%), one bed (34%), two bed (30%) and three bed flats (18%) with a number of duplex flats located at ground floor levels. In this regard, the proposal achieves a good mix of house types and sizes, including 18% family housing. When considered alongside the consented Building A1 and Building D as part of the wider PPP consent, this remains at 18% site wide. This broadly meets the Edinburgh Design Guidance and complies with the requirements of LDP Policy Hou 2.

Section 2.12 of the Edinburgh Design Guidance includes a section on 'Purpose built homes for rent', where it acknowledges that there tends to be key differences in the design of Build to Rent developments which may justify a more flexible approach to the Council's design standards. This specifically relates to the standards for minimum internal floorspace. The size of the proposed flats meet or exceed the minimum internal floor areas and/or the equivalent habitable space areas set out in the Edinburgh Design Guidance.

Dual and single aspect

The application proposes a long corridor on each floor level with access taken directly from this. In this regard, where a flat is classed as dual aspect, the alternative aspect is located within the same elevation. The proposals provide 47% dual aspect flats. This is only marginally under the 50% standard and is justified by the open plan layouts and tall windows, which allows light to penetrate more deeply into the flats. This complies with the Edinburgh Design Guidance, which justifies a limited increase in single aspect units for Build to rent developments.
Open space

Building E provides 227 square metres of private balconies and 257 square metres of private terraces and gardens. There is no external communal open space proposed within Building E. However, the entire PPP area has been considered as a wider site. The total area of communal open space for Building A1, D and E equates to 1,675.5 square metres. This is shared between the 421 residents in Building A1, Building D and Building E that do not have private external space. This results in an open space provision of 3.97 square metres per flat. However, in addition to this communal space, the development also provides 2,850 square metres of attractive semi-public spaces running east to west between each of the buildings. This contributes to the site-wide amenity, increasing the provision to 4,525.5 square metres. This equates to 10.7 square metres per flat, exceeding the requirement for 10 square metres per flat as set out in LDP Policy Hou 3. Furthermore, the wider site delivers high quality public realm in the form of a new public square to the east of Building E, the detail of which was approved as part of the original PPP consent, and the existing play park at McEwan Square constructed as part of earlier phases of Springside. In addition to external spaces, the development also proposes 261.8 square metres of communal internal amenity space at ground floor. In this regard, the application complies with LDP Policy Hou 3.

In terms of the operational aspects of all private and public open space, the development will benefit from an on-site management team 24 hours a day, seven days a week. The role of the management team includes managing the operational aspects of the private and public open space. Public access to the central courtyard of Building D will be limited to times defined by the management company.

The overall provision of private amenity space, public realm and internal amenity space will create a high quality living environment which also contributes to the amenity of the wider area.

Daylight

An assessment on the amount of daylighting to the proposed units within Building E has been undertaken. The majority of the rooms assessed were compliant with the criteria in the Edinburgh Design Guidance. Of the 348 rooms assessed, 96% will meet the Edinburgh Design Guidance target for daylight to new development. The 4% that are not compliant equates to 15 rooms, five of which are bedrooms where there is less of a requirement for daylight. While 11 of these rooms do not achieve the 50% threshold, daylight penetration for 11 of the 15 windows is above 40% and very close to 50% in some cases. Overall the level of compliance standards is very high. Achieving adequate levels of daylighting within more dense urban contexts can be difficult. On balance, the requirements set out in the Edinburgh Design Guidance and the BRE document have been broadly met and as such, an adequate level of daylight will be provided to Building E. The changes made to the design through the determination of the application are considered negligible in terms of impact upon future occupiers as they do not introduce any material new obstructions to daylight. A statement supporting this was submitted with scheme two.
Commercial uses

Conditions 5 and 6 of the PPP require that the hours of operation of the commercial units and the hours of operation and siting of any outdoor seating areas are agreed at AMC stage to ensure amenity of future and existing residents is safeguarded. The proposed hours of commercial units will be led by the eventual occupier but are proposed to be within 6am and 12am. This is acceptable on the basis that the buildings will be adequately insulated as set out in the Noise Impact Assessment. A condition is applied which ensures that the mitigation measures are implemented. The proposed hours of any external seating will be led by the eventual occupier but are proposed to be within 7am and 11pm. A table and chairs permit would be required which will set out the timings.

Hard and soft landscaping

LDP Policy Des 8 supports external spaces which have been designed as an integral part of the scheme. The Fountainbridge Development Brief seeks a coherent approach to public realm works throughout the area. Likewise, the Public Realm Strategy emphasises the need for a cohesive palette of materials to contribute to a successful sense of place. The detailed proposals for the public realm put forward by the application are in accordance with these standards.

The landscape has been designed to provide a series of relaxed and informal social spaces for both residents and visitors to the Springside development. A new landscaped street is proposed between Building D and E to provide a direct connection between Drysdale Road and Melvin Walk. This is classed as a secondary route within the Public Realm Strategy, where high quality reconstituted/manmade materials are supported. The materials proposed are predominantly clay paving brick in a herringbone pattern, with areas of granite setts along the northern edge at key entrance points into the courtyard. The design of this street continues the design concept established in the PPP consent. By including large geometric areas of raingarden planting within the street itself, it creates a more dynamic space for pedestrians and cyclists. Seating opportunities have been created using raised edges and benches. Retractable bollards limit vehicular access through this space to allow safe, pedestrian movement between the two buildings. All the elements have been coordinated to avoid a sense of clutter and integrate with the wider PPP site. To delineate the significance of Dundee Street as a primary route in the Public Realm Strategy, Caithness Stone is proposed along the footway returning into the southern section of Drysdale Road. This is coherent with the other developments in the area.

The application proposes a robust landscape structure through the provision of both raingardens and an inaccessible sedum green roof on the roof of the first floor where the massing reduces at the rear of Building E. These elements not only enhance local biodiversity, but also improve visual amenity for residents and visitors.

The proposed hard and soft landscaping is supported, complying with LDP Policy Des 8.
Transport, access and parking

A Transport Statement has been submitted in support of the application. It is agreed that the proposed development will integrate well with the existing transport network. An underground car park is consented underneath Building A1 and D. Within this car park there are 109 spaces, including nine accessible spaces, 14 motorcycle bays and 18 electric charging bays. No additional car parking or motorcycle spaces are proposed as part of this application, but residents will have access to spaces under Blocks A1 and D if required on a decoupled basis. There is an accessible route from the car park to the east core of Building E for residents. The proposed parking provision complies with the Edinburgh Design Guidance.

Two secure undercover bike stores for the residents are being provided at ground floor level to the rear of the building accessed from the landscaped street. Within these stores, 280 spaces are provided, which exceeds the requirement by two. In addition, four cycle spaces in the form of two Sheffield cycle stands are provided at the junction of Dundee Street and Drysdale Road for visitors and staff of the ground floor commercial units, and eight cycle spaces in the form of four stands are provided in the public realm to the north east of Building E. The proposed cycle provision exceeds the requirements set out in the Edinburgh Design Guidance.

In order to accommodate a future cycleway along Dundee Street/Fountainbridge, the carriageway has been widened to ensure a minimum of 6.5m. This has resulted in a slight narrowing of the footway to between 3.8 and 3.9m for a short section in front of Building E, which is acceptable.

The Roads Authority has raised no objections.

Affordable housing

LDP Policy Hou 6 sets out the requirement for affordable housing amounting to 25% of the total number of units proposed.

The Section 75 agreement associated with the PPP (application reference number: 15/02892/PPP) provides the framework to agree the delivery of the affordable housing tenure proposed. This agreement states that "25% of all residential units to be completed after the completion of construction of the 416th open market housing units shall be affordable housing units" (Clause 3.1). Based on this agreement, the development of the 417th unit and above will create a requirement for affordable housing provision. Within the matrix of overall PPP site there will be 476 residential build to rent apartments in total delivered upon completion of Building E. Under the terms of the Section 75 agreement of the PPP, this would equate to a requirement for 15 affordable housing units (476-416 = 60 x 25% = 15). These units would be funded, delivered and operated by the applicant (Moda) as intermediate rent units.
Clause 3.2 of the existing legal agreement makes provision for the agreement of these additional affordable housing units, including:

- The type of affordable housing tenure;
- The number of affordable housing units;
- The location of the affordable housing units and the design standards to which the affordable housing units are to be built; and
- The type of Affordable Housing Contracts by which the units are to be leased, sold or otherwise

The tenants of the affordable housing units will have access to a wide range of additional services and amenities over and above the current mid-market rent market in Edinburgh. The intermediate rent housing unit mix would be aligned to the overall development mix, where studios would be substituted for one bed units.

Although the rents are above Local Housing Allowance (at BRMA 30th percentile), they are significantly below average market rents in Edinburgh and are affordable to the priority client group defined in the Council's Affordable Housing Policy Guidance.

Affordable Housing are supportive of the application subject to a legal agreement to secure their delivery in line with the provisions of Clause 3.2 above.

**Flooding and drainage**

The foul water discharge from the development will be discharged to the existing combined water sewerage network. The surface water discharge from the site will incorporate full SUDS measures, designed in accordance with the requirements of the Council and SEPA to control the discharge from the site and reduce the pressure on the existing drainage system. This will be achieved using porous paving and filter trenches in the landscaped areas. Safe access and egress will be maintained by designing the SUDs system without utilising temporary above ground storage. The drainage system and SUDS features will remain private and will be inspected on a regular basis with particular attention being given to the channel drains and porous paving. Details of the maintenance requirements has been submitted and is acceptable.

Flooding have raised no objections. The application complies with LDP Policy Env 21.

**Waste management and recycling facilities**

The primary bin store for Building E is located on the west elevation, providing direct access to Drysdale Road for collection, where a designated loading bay will be located. Within each bin store, is a variety of bin types for recycling and general waste. All calculations for waste and recycling provision have been based on the Council's Waste Management Guidance.

The Waste and Cleansing Service has confirmed that all the information provided in relation to waste provision is acceptable.
Sustainability

The applicant has submitted a sustainability statement in support of the application. Part A of the standards is met through the provision of a Combined Heat and Power system. The proposal is a major development and has been assessed against Part B of the standards.

The points achieved against the essential criteria are set out in the table below:

<table>
<thead>
<tr>
<th>Essential criteria</th>
<th>Available</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1: Energy Needs</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Section 2: Water conservation</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Section 3: Surface water run off</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Section 4: Recycling</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Section 5: Materials</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Total points</td>
<td>80</td>
<td>80</td>
</tr>
</tbody>
</table>

The proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. Additional measures within the overall PPP site include the installation of a combined heat and power plant, the inclusion of car club spaces and electric car charging points. The application complies with LDP Policy Des 6.

Ground conditions

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed, condition 9 of the PPP consent cannot be discharged.

(c) Impact on the setting of the listed building

The materials and details brought forward as part of this AMC do not affect the setting of the C listed Edinburgh Printmakers located to the south east of the site on the southern side of Dundee Street. The redevelopment of this vacant former industrial site will enhance this part of the Fountainbridge. In this regard, it is compliant with Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3.

(d) Equalities or human rights impacts

The proposal has been considered in terms of equalities and no adverse effects have been identified. An Integrated Impact Assessment has been completed for the application. The applicant will be required to comply with the provisions of the Equality Act 2010 and Building Standards. The site is accessible for those with mobility issues and could create an environment where public spaces can be used safely. The proposed development will provide good access to new high quality public realm. The proposed development has also been assessed against the LDP which is compatible with the Human Rights Act.
(e) Public comments

Non-material objection

- The application fails to rectify the problems for cyclists at Younger’s Steps adjacent to West Approach Road. The application only covers Building E and thus, does not extend to the Younger’s Steps. In this regard, it is outwith the scope of this site, and not a material consideration for this planning application.

Conclusion

The proposed development implements the second phase of the PPP consent and completes the wider masterplan for Springside. It will make a significant contribution to the overall housing mix in Edinburgh and mix of uses within the wider Fountainbridge regeneration area, supporting the aspirations of the Fountainbridge Development Brief. The development is in accordance with the planning permission in principle. The building massing and form are acceptable. The proposed development is acceptable in terms of amenity and will provide a modern development with high quality public and private spaces for the benefit of future occupiers. Overall, it makes a positive contribution to the regeneration of the area and provides a mix of housing sizes which are compatible with the neighbouring land uses. It will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

The proposed development complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not affect the adjacent listed building while it enhances its setting.

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

3.4 Conditions/reasons/informatives

Conditions:

1. The applicant shall submit for approval of the Planning Authority, the location and detailed design of the replacement permanent bus shelter prior to occupation of Building E.

2. The applicant shall install the agreed replacement permanent bus shelter prior to occupation of Building E.

3. Prior to commencement, further details of the noise mitigation measures required to the separating floor between the commercial and residential uses in Building E, as outlined in the RMP Noise Impact Assessment Report (Ref R8478-NS2-RGM dated 14 June 2019) must be submitted for approval by the Planning Authority.

4. The agreed required noise mitigating works shall be carried out in full and completed prior to the occupation of the residential properties in Building E.

5. Prior to occupation of Building E, the extract flue and ventilation system serving the Class 3 use(s) (capable of 30 air changes per hour and with an efflux velocity of...
15m/s) as shown on drawing 11A shall be implemented prior to occupation of the residential units in Building E.

**Reasons:**

1. In order to safeguard the interests of road safety.
2. In order to safeguard the interests of road safety.
3. In order to protect the amenity of the occupiers of the development.
4. In order to protect the amenity of the occupiers of the development.
5. In order to protect the amenity of the occupiers of the development.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to the delivery of the 15 affordable housing units. The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.
2. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
3. 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.
4. 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.
5. As part of the RCC process, the applicant will be required to contribute:
   - £2,000 to progress a suitable order to redetermine sections of footway and carriageway as loading bay; and
   - £2,000 to progress a suitable order to relocate the existing Car Club bays east of Drysdale Road to existing layby west of Drysdale Road.
6. Conditions of the Planning Permission in Principle to which this application relates remain and are required to be discharged.
7. A Tables and Chairs permit will be required for any external seating on Council adopted land.

8. When designing the exhaust ducting, heating, ventilation and air conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

It is also recommended that the supply and extract fan and ductwork are suspended using anti-vibration mounts and flexible connectors specified to ensure that there is no perceptible vibration in the nearest residential accommodation. This would apply to both external as well as internal plant and ductwork.

9. The two visitor Sheffield Cycle Stands east of Drysdale Road/Dundee Street junction should be positioned at 45 degrees and 0.5m clearance to the kerbline to prevent potential conflict with the highway.

10. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 1 July 2019. Neighbours were notified of the application on 27 June 2019 and 21 days were allowed for comments. Only one comment was received from Spokes.

Tollcross Community Council and Merchiston Community Council were also consulted but made no comment.

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

Minor amendments to scheme one did not raise any new material considerations and therefore, no further consultation or notification was necessary.

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 City Centre as defined in the adopted Edinburgh Local Development Plan (LDP). The LDP City Centre Proposal CC3 Fountainbridge promotes a comprehensive mixed use redevelopment of the land previously occupied by the Fountainbridge Brewery.

Date registered

25 June 2019

Drawing numbers/Scheme

01, 02A, 03, 04A-16A, 17, 18A-25A, 26-28,

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Emma Fitzgerald, Senior Planning Officer
E-mail:emma.fitzgerald@edinburgh.gov.uk Tel:0131 529 3794

Links - Policies:

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

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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 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 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 Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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

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 Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.
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.

**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.

The Fountainbridge Development Brief sets out planning and design principles intended to establish a comprehensive townscape and infrastructure framework for the Fountainbridge area.
Appendix 1

Application for Approval of Matters Specified in Conds 19/02993/AMC
At Land Adjacent To 194, Fountainbridge, Edinburgh
Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form + massing; design + materials; daylight + sunlight; design + operation of private/public open spaces; roads, footways/cycleway/access/servicing + parking; venting + electric vehicle charging; drainage; waste management; operational requirements for commercial uses/sustainability/floor levels/lighting; site investigation/hard + soft landscaping details + noise mitigation.(As Amended).

Consultations

The Roads Authority - response date 11/11/2019

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 loading bay;
   b. Contribute the sum of £2,000 to progress a suitable order to relocate the existing Car Club bays east of Drysdale Road to the existing layby west of Drysdale Road;
2. Large bus stop/shelter (4 bay Cairngorm with no ends, seating, roof bracket and full information panel, colour RAL 7043 and a seat rail in RAL5015 or agreed specification with CEC public transport) required to be designed and installed by the applicant in consultation with CEC public transport on agreed location on Dundee Street fronting the development to the satisfaction and at no cost to the council (see Note d);
3. Applicant to safeguard 6.5m wide carriageway on Dundee Street/Fountainbridge for buses to pass each other and 1.5m wide road space on both sides of Dundee Street/Fountainbridge fronting the proposed development to accommodate mandatory cycle lanes.
4. Radius of Dundee Street/Drysdale Road junction to be tightened to improve pedestrian crossing (shorter crossing distance) and promote slow vehicular turning speeds at the junction.
5. 280 secure covered cycle parking spaces to be provided for the residential unit and complies with the Council's minimum cycle parking requirement of 278 spaces. 12 victor cycle parking spaces to be provided;
6. The proposed 2 visitor Sheffield Cycle Stands east of Drysdale Road/Dundee Street junction should be positioned at 45 degrees and 0.5m clearance to the kerbline;
7. The current Parking standards requires a minimum of 6 motorcycle spaces;
8. A minimum of 3.8m wide walking and cycling route to be provided between the proposed development and consented Block D linking Melvin walk and footway east side of Drysdale Road;
9. Existing footway north side of Dundee Street fronting the development to be widened to at least 3.9m and paved in Caithness.
10. All doors must be opened inwards and not onto adopted footway/road except emergency doors;
11. 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;
12. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
13. 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), 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;
14. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
15. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits 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 A - New Build);
16. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed 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 as part of any sale of land or property;
17. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;
18. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

Note:

a) The proposed development is estimated to generate a total of 55 and 79 two-way people trips during the Weekday AM and PM Peak periods respectively. It could generate
approximately 6 and 9 two-way vehicle trips during the Weekday AM and PM peak hour periods respectively. Significant level of predicted trips is by sustainable transport. The transport statement has demonstrated that the existing and proposed transport infrastructure will be able to accommodate the impacts of the proposed development.

b) It has been demonstrated that servicing and refuse collection of both residential and commercial units can be undertaken from the proposed lengthened existing layby east of Drysdale Road.

c) Zero car parking is being provided for the proposed development. This is considered acceptable due to the site accessibility to public transport. Central car park is available in the basement car park of Block A1 and D on a decoupled basis; future tenants will be able to rent spaces in the central car park under Blocks A1 and D if required.

d) The location of the bus stop on Dundee Street shown on the plan is not approved. The location is likely to cause blockade on Drysdale Rd should there be 2 or more eastbound buses queuing on the bus stop. It is recommended that the existing bus stop relocated eastwards in consultation with Council’s public transport.

e) The position of existing lighting columns compromises the width of the north side footway of Dundee Street and the applicant should work with the Council to relocate the existing lighting columns during pavement design and construction to improve pedestrian experience.

Scottish Water - response date 02/07/2019

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Further network assessments may be required. Early engagement with Scottish Water through the PDE process is recommended.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary
According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer
“It is important to note that the information on any such plan provided on Scottish Water’s infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation.”

Surface Water
For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:
- Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - Site Investigation Services (UK) Ltd, Tel: 0333 123 1223, Email: sw@sisplan.co.uk
  - www.sisplan.co.uk
- Scottish Water’s current minimum level of service for water pressure is 1.0 bar or 10m head at the customer’s boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water’s procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network

Next Steps:

**Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

**10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

**Non Domestic/Commercial Property:** Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

**Trade Effluent Discharge from Non Dom Property:** Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-
h

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk

SEPA - response date 15/07/2019

Thank you for your consultation which SEPA received on 28 June 2019.

Advice for the planning authority

We have no objection to this planning application.

We had no objection to an earlier application (15/02892/PPP) and we have no objection to this current application for this site. Please see attached our response of 03 July 2015:

Thank you for your consultation which SEPA received on 23 June 2015.

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

Advice for the planning authority

1. Flood Risk
1.1 We have reviewed the information provided in this consultation and it is noted that part of the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of surface water flooding. In addition, the application site is at a location for which we hold a record of flooding.

1.2 A breach occurred in the Union Canal on 23 June 2002 which resulted in flooding to eight houses and shops including the brewery in the Fountain bridge area. It was reported that "parts of the Fountain bridge area in the city centre were under five feet of water yesterday morning after a section of the canal collapsed near the Leamington Lift Bridge at Lochrin Basin. Eight people had to be evacuated from nearby flats by Police Marine Unit boats, others sought refuge with neighbours, and workers at the Scottish Courage brewery were evacuated as millions of gallons of water poured onto the streets".

1.3 No mention of previous flooding has been noted in the Flood Risk Assessment (FRA). Review of the Proposed Site Sections A-A & B-B, C-C & D-D drawings (ref. no. (PL)017, dated 18/06/2015 and (PL)018, dated 18/06/2015) indicates that the finished floor levels are to be flush with the proposed ground levels. We would strongly recommend that finished floor levels, especially for any ground floor residential areas, are elevated above existing ground levels to mitigate the residual risk from the canal and surface water flooding.

1.4 Car parking is proposed for the lower ground floor. We would strongly recommend that to reduce the risk from groundwater ingress that flood resistant and resilient measures are incorporated which could include tanking and a pump to remove any ponding water.

1.5 It is recommended that contact is made with your Flood Prevention Authority and Scottish Canals regarding the issues raised above.

2. Drainage Strategy

2.1 As the site drains ultimately to the combined sewer, and not directly to the water environment, there is no requirement for Sustainable Urban Drainage Systems (SUDS). The provision of SUDS on this site, therefore, is good practice and we are content with the details of SUDS that accompany this application.

Detailed advice for the applicant

3. Flood Risk

3.1 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/flooding/flood_maps.aspx.

3.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/. Please note that this document should be read in conjunction Policy 41 (Part 2).

3.3 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls.
3.4 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.

3.5 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 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/.

Regulatory advice for the applicant

1. Regulatory requirements

1.1 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 operations team in the local SEPA office.

Waste Services - response date 05/09/2019

I have been asked to provide my comments as a consultee to this application on behalf of the Waste and Cleansing Services.

I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects have been in touch with me, and I have advised on the current plans.

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins. These must be stored off street at all times.

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability.

Access to the bin store should be by budget lock, and other criteria relating to the requirements of the bin store are detailed in the "Instructions for Architects and Developers" which should be complied with in advance of any waste strategy being agreed.

For these high density properties, we would recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. I understand that there will be 140 units in building E, and current plans are to have a main bin store and a secondary bin store, with all properties to be serviced by communal bins in these bin stores. The number of bins they require will be 19 residual 1280L, 12 mixed recycling 1280L, 4 glass 660L and 6 food 500L. These should be presented in the main bin store on the appropriate days of collection, which could be between 6am and 10pm, Monday
to Sunday. It should also be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them, but it should be noted that we require 12 weeks’ notice.

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

The commercial aspect would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.

I would recommend continued contact with me to ensure the adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

Archaeology Service - response date 20/08/2019

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form & massing; design & materials; daylight & sunlight; design & operation of private & public open spaces; roads, footways, cycleways, access, servicing & parking; venting & electric vehicle charging; drainage; waste management; operational requirements for commercial uses; sustainability; floor levels; lighting; site investigation, hard & soft landscaping details & noise mitigation.

The site occupied part of the Fountainbridge Brewery and area associated with mediaeval orchards as such the site was identified as being of archaeological significance. As such development has been subject a series of archaeological conditions requiring investigations (undertaken by AOC Archaeology) and historic
interpretation (MODA approved interpretation design for building D). As a result, it has been concluded that no further archaeological mitigation is required in relation to this specific AMC application.

Environmental Protection - response date 22/08/2019

The development site is located on Dundee Street on a gap site between Drysdale Road and Melvin Walk which has planning permission in principal for a mixed use development. This development proposal is for mixed use commercial floorspace on the ground floor with 140 build to rent residential units on the upper 6 floors. The commercial floor space area may be subdivided, with use classes 1 (shops), 2 (financial, professional and other services), 3 (restaurant / food and drink) or 4 (business).

The land to the north of the site has planning approval for the construction of a seven storey residential development, to the west beyond Drysdale Road is existing student accommodation, to the east there is an existing hotel and to the south beyond Dundee Street are offices and a vacant site which may be developed in the future.

The applicant has advised that there are various amenity spaces proposed for residents to use. At ground floor there is a lounge proposed with the proposal which will also have multi-function event spaces as well as work stations and meeting areas. The applicant has confirmed that the build to rent model proposed would class these areas as falling into the residential class use in planning terms.

The applicant is seeking to get conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E discharged. The relevant conditions for Environmental Protection are as follows;

Prior to the commencement of construction of Phase 2 and 3 and work on the blocks identified as Block D and Block E, details of the undernoted matters in relation to these blocks shall be submitted to and approved by the planning authority in the form of a detailed layout of the site and include detailed plans, sections and elevations of the buildings and all other structures and any supporting information.

Approval of Matters:

1. Design and materials of the development including design of all external features and glazing specification (including acoustic capabilities);

Enhanced acoustic glazing will be required to mitigate traffic noise as identified in the noise report submitted with the 15/02892/PPP application. The applicant has not submitted specific details on the actual specification of the acoustic glazing that will be required to achieve the identified sound reduction levels. This demonstrates that condition 10 from the 2016 PPP consent will be met. However, we will require the specific details of the glazing units to fully discharge the condition. The applicant has previously advised that while details of the manufacturer and product may not be confirmed, it is the case that approval of this can be adequately controlled through Condition 3 of the PPP, which relates to approval of all external materials. The final specification of the glazing units submitted under Condition 3 will accord with the requirements of Condition 10.
Location and details of car parking venting/exhaust termination and electric vehicle charging outlets and ducting;

Eighteen electric vehicle charging bays will be installed and operational in the neighbouring car park being developed under building A1, Environmental Protection would recommend that a rapid charger is installed at the loading bay in the underground car park. The purpose of the loading bay is to allow residents to transfer their belongs to the western core via the secondary entrance on the north of the building. This would encourage the use of electric vans for this purpose. The applicant has highlighted that residents would have access to ‘Moda car Club’ vehicles, the applicant should be encouraged to ensure these vehicles are electric and charged in the underground car park. Venting and exhaust points for the car parks is not required for this block.

All operational requirements for the commercial and business uses including servicing arrangements, opening hours, deliveries/collections, ventilation, servicing, external plant machinery;

Opening hours are covered by conditions 5 and 6 of the PPP consent, and it is recommended that the hours for collections of waste and for deliveries to the commercial units are restricted to 0800-2200 hours. The applicant’s noise impact assessment has recommended that the hours for deliveries and collections are restricted to daytime hours otherwise they will adversely impact the amenity of neighbouring residents. The details of the ventilation and external plant serving the commercial uses has been provided to address noise and odour impacts.

External lighting, including floodlighting and street lighting arrangements for the development;

The applicant has provided details on the lighting scheme and Environmental Protection are satisfied that this will not impact amenity and meets the terms of the condition from an amenity perspective.

Site investigation/decontamination arrangements; (Condition 9 covers contaminated land and shall remain).

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Condition 5. Class 1 (Retail), Class 2 (Financial, Professional and other Services), Class 3 (Food and Drink) and Class 4 (Business) hours of operation will require to be agreed at the Approval of Matters in Conditions (AMC) stage.

The applicant has not provided a specific details regarding the proposed hours of use for the commercial units. Environmental Protection are of the opinion that if the buildings are adequately insulated then there should be noise breakout through the fabric of the building therefore there should be no impacts on neighbouring residential properties. Other aspects of the commercial uses such as deliveries, collections and outdoor seating
cannot be mitigated in the same way therefore conditions restricted the hours of those operations is recommended.

Condition 6. Hours of operation and siting of any external seating area will require to be agreed at the Approval of Matters in Conditions (AMC) stage.

The applicant has not provided any specific details on the hours of operation for outdoor seating. Environmental Protection would recommend that the hours are conditioned to the same hours as restricted by a Tables and Chairs Permit. This would restrict outside tables and chairs being used between 9am and 9pm, seven days a week for the commercial uses.

Condition 12. A noise impact assessment shall be provided at the AMC stage for Blocks D and E which provides details of noise mitigation measures proposed to address noise impacts upon surrounding residential properties from any proposed Class 1, 2, 3 and 4 premises.

The applicant’s noise impact assessment highlighted that deliveries and collections of waste hours should be restricted to day time hours only. The noise impact assessment has also assessed the required sound insulation levels required between the proposed residential units and the proposed commercial uses. For the required on-site sound insulation to achieve inaudibility for the maximum events will be difficult to achieve with a standard residential floor construction. The applicant has advised that such a level of insulation would be achieved with a concrete floor structure, a deep floating floor construction (i.e. resilient cradles), and a heavy resilient suspended acoustic ceiling system. The applicant has advised that they do not have details of the end users for the commercial units. The report provides design advice for noise mitigation based upon the available information outlined above. Further design development will be required to refine the assessment including; tenancy details/commercial noise and plant locations. When this information is available the applicant will need to provide a further detailed noise impact assessment which provided specific details on the sound mitigation measures including details of the materials, acoustic treatments and where specifically this will be required.

13. Class 3 and Class 7 Cooking odour ventilation details should be provided at the approval of matters in conditions (AMC) stage. In this regard, details should be provided which confirm that the ventilation will meet the following criteria:

(i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.
(ii) The ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.
(iii) The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.

The applicant has confirmed the above condition can be achieved and submitted drawings showing the termination point of the proposed extracts. Roof level drawing E1718 SPR-CDA-EZ-RL-DR-A-00-5111 P1 dated 14/06/19 with specific details located
in the design and success statement Figure 39. Environmental Protection are satisfied with this additional detail and have recommend a condition detailing the requirements.

Therefore, Environmental protection offer no objections but do recommend further conditions;

Conditions

Further details of the noise mitigation measures required to the building block E separating floor between the commercial and residential uses will need to be submitted, as defined in the RMP Noise Impact Assessment Report (Ref R8478-NS2-RGM dated 14 June 2019) all required works shall be carried out in full and completed prior to the occupation of the residential properties.

A noise impact assessment should be provided at the AMC stage which provides details of noise mitigation measures proposed to address noise impacts upon surrounding residential properties from any proposed Class 1, 2, 3 and 4 premises.

Deliveries and collections, including waste collections, to be restricted to 0900 - 2100 hours Monday to Saturday.

Tables and chairs serving the commercial use shall be restricted to between 0900 - 2100 hours Monday to Saturday.

Prior to the use being taken up, the extract flue and ventilation system serving the class 3 use(s), be capable of 30 air changes per hour and with an efflux velocity of 15m/s as shown on drawing no. EZ-RL-DR-A-00-5111 P1 dated 14/06/19 shall be implemented.

Site Contamination

Prior to the commencement of construction works on site:

(a) A site survey (including intrusive investigation where necessary) 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.

Informative

It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended
that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

It is also recommended that the supply and extract fan and ductwork are suspended using anti-vibration mounts and flexible connectors specified to ensure that there is no perceptible vibration in the nearest residential accommodation. This would apply to both external as well as internal plant and ductwork.

The noise assessment shows that noise emanating from typical condensers, an extract system and associated ductwork are expected to comply the NR 25 criteria for residential properties on the upper floors. A further plant noise review should be undertaken once all plant items and locations are known.

**Flood Planning - response date 10/07/2019**

This now addressed all the comments for this application.

**Affordable Housing - response dated 12/11/2019**

1. **Introduction**

I refer to the consultation request from the Planning Department about this planning application. Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.
- This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

2. **Affordable Housing Provision**

A planning application was considered in January 2016 for this site, as planning reference 15/02892/PPP. The Section 75 set out that up to and including the 416th unit, no affordable contribution was required due to viability constraints. Twenty five percent of all units completed after the 416th unit would be required to be affordable.

There will be an AHP requirement for a minimum of 25% of any homes over the 416th unit. 60 additional homes are proposed and therefore 15 homes (25%) of approved affordable tenures are required. The developer entered into an early dialogue with the Council to explore options for onsite delivery, agree the tenure of the affordable housing and deliver a well integrated and representative mix of affordable housing on site. This is welcomed by this department.
On 3 October 2018, revised guidance on BTR developments was approved by Planning Committee as part of the report Edinburgh Design Guidance Post Approval Review. A section of the Guidance sets out the key characteristics of "Purpose Built Homes for Rent". Affordable homes are required to be tenure blind, fully compliant with latest building regulations and consistent with the Edinburgh Design Guidance. The affordable homes are situated next to regular public transport links and are located close to local amenities and the nearby school.

BTR developments can deliver housing at a scale and pace, which is rarely matched by traditional housing for sale providers. Housing for sale tends to be reliant on short term financing which is repaid through sales, with risk managed by building and releasing relatively small numbers of homes to the market at any time to limit financial exposure. BTR can deliver housing at scale and affordable homes without grant subsidy. The grant freed up by BTR could be channelled into delivery of social rented homes.

The affordable housing within this BTR development will be delivered by the applicant as "intermediate rent", which is an accepted affordable tenure, and will be secured as affordable housing for a minimum of 25 years. The applicant agreed that the affordable homes would not include any studio flats and are providing an equivalent number of affordable one bedroom properties instead, which is welcomed. Rents would be restricted to Scottish Government's published Broad Rental Market Area (BRMA) 30th Percentile. No grant funding is required for the delivery of these affordable homes.

Local Housing Allowance (or LHA) has been used as a benchmark of affordability for some affordable tenures. LHA had previously been set by Government based on 30th percentile of the Broad Rental Market Area (BRMA). However, as LHA rates were frozen for four years from 2015, during this time LHA became disconnected from BRMA rates.

Rents at BRMA 30th percentile are the basis for rent setting for Scottish Government's More Home Scotland Mid-Market Rent Invitation. It is also the maximum level that RSL grant funded mid-market rents can be increased to, with the local authorities consent, under Scottish Government grant guidelines. BRMA 30th Percentile is significantly less than average market rents in Edinburgh; between £1,400 and £3,300 less per annum, depending on house size.

The Council's Affordable Housing Policy sets out a "Definition of Priority Clients"; those people who are in housing need and who cannot afford to access accommodation through the regular functioning of the housing market and earn below average household income. Households earning less than the average household income of £44,000 per annum can find themselves unable to afford rents or buy a property. Rents at the 30th Percentile are and significantly less than average market rents and affordable to people within the defined priority client group.

3. Summary

The applicant has made a commitment to provide a representative mix of on-site affordable housing, which will be managed by the applicant and requires no grant subsidy. This department welcomes this approach which will assist in the delivery of a mixed sustainable community:
The applicant will deliver the affordable housing as "intermediate rent" for a minimum of 25 years.

- The affordable housing will include a variety of house sizes to reflect the provision of homes across the wider site.
- All the affordable homes must meet the Edinburgh Design Guidance and space standards.
- In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be identical in appearance to the market housing units; an approach often described as "tenure blind". These units will be pepper-potted throughout the development.
- The prior applications for this site concluded that affordable housing would not be feasible for the first 416 units, and this is set out in the Section 75 Legal Agreement.
- This application can deliver onsite affordable housing, representing 25% of the additional 60 units proposed (or 15 affordable homes).
- Rents are above LHA levels but are significantly below average market rents in Edinburgh.
- The rents are affordable to the priority client group defined in the Council’s Affordable Housing Policy guidance and are in line with affordable housing policies backed by Scottish Government (for example, More Homes Scotland Mid-Market Rent).
- There is no grant funding required for the affordable homes. The grant funding freed up by BTR developments will be targeted to delivering social rented homes within the city.
- The applicant will be required to enter into a legal agreement to secure the affordable housing element of this proposal.

Although the application is not fully policy compliant because of the rents above LHA (at BRMA 30th percentile), after considering the justifications above, this department is supportive of this application.
Application for Planning Permission 18/04267/FUL at 437 Gorgie Road, Edinburgh, EH11 2RT. Demolition of existing Public House and construction of 11 residential flats with gardens (as amended).

Summary

The proposal is acceptable in principle, and is of an appropriate scale and design which will enhance the character and appearance of the surrounding area. The proposal will create a satisfactory living environment for prospective occupants, will not have an adverse impact on the amenity of neighbouring residents and does not raise any issues in respect of vehicle and cycle parking, flood prevention, species protection, archaeological significance, waste and recycling provision or infrastructure contributions. The proposal complies with policies Del 1, Hou 1, Hou 2, Hou 3, Hou 4, Hou 10, Des 1, Des 4, Des 5, Env 9, Env 16, Env 21, Tra 2 and Tra 3 of the adopted Edinburgh Local Development Plan (LDP), the Edinburgh Design Guidance (EDG) and the Council's Supplementary Guidance for Developer Contributions and Infrastructure Delivery.

Links

| Policies and guidance for this application | LDPP, LHOU01, LHOU03, LHOU04, LHOU10, LDES01, LDES05, LTRA02, LTRA03, LEN09, LEN16, LEN21, LDES04, LHOU02, NSG, NSGD02, NSGD02, |
Application for Planning Permission 18/04267/FUL
at 437 Gorgie Road, Edinburgh, EH11 2RT.
Demolition of existing Public House and construction of 11 residential flats with gardens (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 comprises Luckies public house which is situated on the southern side of Gorgie Road. The site has a total area of 0.065 hectares and consists of the main public house building, a rear courtyard and a section of grass situated between the gable of the main building and the western boundary of the site. The site lies adjacent to a three-way junction between Gorgie Road, Balgreen Road and Hutchison Crossway. The surrounding area has a mixed residential and commercial character. The area to the south and west is characterised by four-in-a-block flatted properties and detached dwelling houses, with the area to the east characterised by three and four storey flatted buildings and various commercial properties. Saughton Public Park is situated directly to the north west of the site.

2.2 Site History

12 December 2001 - Planning permission granted for the erection of an extension and the formation of three bedroom flat in the roof space (application reference: 01/02225/FUL).

17 August 2017 - Planning permission granted for the demolition of the existing public house and the construction of 11 flats (as amended) (application reference: 16/06024/FUL).
Main report

3.1 Description of the Proposal

The proposal seeks planning permission for the demolition of the existing public house and the construction of a contemporary style four-storey flatted building with associated bin storage, cycle parking and green space. The new development encompasses two distinct built elements, a sloping roof element with a predominantly buff brick exterior sited adjacent to the northern boundary of the site, and a flat roofed element with a timber exterior. The buff brick building will measure 12 metres at eaves level and 14.7 metres at its highest point. The flat roofed building will measure 11.6 meters at its highest point. The development will have an overall footprint of 320 square metres.

A total of 11 flats will be located within the building which will encompass the following layout:-

Ground Floor Level

- One two-bedroom flat with a floor area of 83 square metres and one three bedroom flat with a floor area of 105 square metres;
- Bin storage facility;
- Plant machinery room;
- Bike storage facility with provision to store 20 bicycles; and,
- Outdoor bike storage facility with provision for 9 bicycles.

The first floor, second floor and third floor levels will each encompass two 2 bedroom flats with floor areas of 82 square metres and a three bedroom flat with a floor area of 109 square metres.

Scheme One

The original scheme was amended to change the predominant external material from red brick to buff brick, alter the window fenestration and balcony depths on the southern elevation, increase cycle parking provision and the size of the bin store opening, and replace hard standing at the rear of the site with green space.

Supporting Documents

The applicant has submitted the following supporting documents which are available to view on Planning and Building Standards on-line services:

- Visualisations;
- Supporting Statement;
- Flood Risk Assessment;
- Drainage Strategy, and;
- Sunlight Analysis Report.
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 proposal is acceptable in principle;

b) The proposal is acceptable in respect of design, form, scale and density;

c) The proposal will result in the creation of a satisfactory living environment;

d) The proposal will have a detrimental impact on the amenity of neighbouring residents;

e) The proposal raises any issues in respect of vehicle and cycle parking;

f) The proposal raises any other material considerations and

g) Any issues raised by objectors have been addressed.

a) Principle of the Proposal

Policy Hou 1 of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and the relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan. In addition, policy Hou 10 states that development involving the loss of valuable health or other community facilities will not be allowed, unless appropriate alternative provision is to be made.

The site is designated as being within the urban area in the LDP. The demolition of the public house and the formation of dwellings is acceptable in this location. There is an existing extant consent on the site for 11 flats (application number: 16/06024/FUL).
Luckies is a public house and operates as a commercial premises. It is not a health or community facility, the retention of which is necessary to foster community life.

The proposal complies with policies Hou 1 and Hou 10 and is acceptable in principle.

b) Design, Form, Scale and Density

LDP policy Des 1 - Design Quality and Context states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area. Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing

The Edinburgh Design Guidance (EDG) sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on site and materials and detailing.

The surrounding area has a mixed residential/commercial character which is predominantly characterised by four in a block flatted buildings and three/four storey tenement buildings. The form and scale of the proposed building is generally in keeping with that of other tenement buildings located nearby. The highest point of the sloped roof element of the building marginally exceeds the height of the adjacent flatted development situated to the east and tenement flats and ground floor shopping parade building located on the opposite side of the street. However, the overall height is considered acceptable owing to the manner in which the roof slopes and decreases in height from west to east, mitigating the overall visual impact of the proposals built form.

The buildings in the surrounding area encompass a mixture of exterior materials including smooth render, roughcast, natural stone and brick. The use of buff brick and timber as the predominant external materials for the development is acceptable. The use of these materials will give the building a high quality contemporary appearance, ensuring that it is able to suitably fit within the streetscape while maintaining a distinctive individual character. The use of timber as the external material for the rear section of the building will also enable this part of the development to visually blend in with the mature trees situated on Hutchison Crossway.

LDP policy Hou 2 promotes a mix of house types and sizes where practical. Policy Hou 4 seeks an appropriate density of development having regard to the site characteristics and the area. The development is of an appropriate density in keeping with the spatial character of the surrounding area which encompasses flatted buildings and tenements as the predominant form of residential accommodation. The proposal includes provision for a suitable mixture of two and three bedroom dwellings.

The proposal is appropriate in respect of its design, form, scale and density and complies with LDP policies Des 1, Des 4, Hou 2 and Hou 4.
c) Creation of Satisfactory Living Environment

Policy Des 5 states that development will be permitted where the amenity of neighbouring development is not adversely affected, and future occupiers have acceptable levels of amenity.

All of the proposed flats meet the minimum floor space requirements in the EDG and will receive adequate provision of daylight. All the flats will be dual aspect and will permit views in more than one direction.

The windows on the northern and western elevations of the building will be sited in close proximity to Gorgie Road and Hutchison Crossway at their nearest point. Environmental Protection has commented that upgraded glazing will be required to ensure that a good level of amenity can be achieved inside the proposed development. In order to ensure that prospective residents are not adversely affected by vehicle noise emanating from the Gorgie Road/Hutchison Crossway junction, a condition will be attached to this permission requiring a minimum standard of glazing to be installed on the windows in the northern and western elevations of the building.

The total green space proposed on the site is approximately 40% of the total site area. This exceeds the requirements of policy Hou 3 and is acceptable. The provision of open space on the site includes a good mix of landscape and useable areas and provides good amenity value to the properties within the development.

The proposal will result in the creation of a satisfactory residential environment and complies with policies Hou 3 and Des 5.

d) Impact on Amenity of neighbouring residents

The proposal will result in a loss of daylight to the gable windows of two of the flatted properties situated directly to the south within 48-50 Hutchison Crossway, owing to the proximity of the southern elevation of the building to this premises. In addition, the proposal will result in a loss of daylight to the secondary gable windows of the neighbouring flatted development at 435 Gorgie Road. However, the EDG states that daylight and privacy to gables and side windows is generally not protected in respect of assessing the impact of new development.

The height of the eastern gable elevation of the building is lower than the height of the existing consented development. In addition, the southern elevation which is situated directly opposite the gable elevation of 48-50 Hutchison Crossway will be positioned further back from the boundary than the consented development. Consequently, the impact of the proposal on the levels of daylight received by these neighbouring properties will be no greater than the impact of the existing consented proposal.
The design of the proposal has been amended to alter the configuration of the full height windows on the southern elevation which sit in close proximity to the boundary with the communal garden of 44-50 Hutchison Crossway. These windows have been angled and as a result there is no direct overlooking from the windows into the communal garden. The kitchen windows have been reduced in size to minimize the extent of any views which they afford. The remaining full height windows on this elevation will all be positioned a minimum of 9 metres from the boundary with the communal garden to the south.

A sunlight analysis has been submitted by the applicant to demonstrate the extent of overshadowing during the equinox and solstice periods. This has been assessed in accordance with the parameters of the BRE Guidance, ‘Site Layout Planning for Daylight and Sunlight - A Guide to good practice’. Owing to the position of the development to the north of the neighbouring flatted building, the proposal will result in a degree of overshadowing to the communal garden ground of the residential building to the south. The overshadowing will predominantly fall on a section of garden ground situated between the site boundary wall and the gable elevation of the residential building. This section of garden ground has a limited level of amenity value. The more open sections of garden ground to the front and rear of the building which have greater amenity value will not be affected.

The proposal includes provision for balconies at first, second and third floor level on the southern elevation of the building, adjacent to its eastern gable elevation. The EDG does not stipulate any minimum privacy distances which should be maintained between buildings and outlines that the pattern of development in an area will help to define privacy distances. These balconies have been amended from their original design to reduce their depth and their distances from the boundary are sufficient to ensure that there will be no adverse overlooking into adjacent garden areas, while also maintaining sufficient regard to the communal nature of garden spaces within the surrounding area which are overlooked by several different properties.

The proposal will not have an adverse impact on the amenity of neighbouring residents and complies with policy Des 5.

e) Vehicle and Cycle Parking

LDP Policies Tra 2 - Private Car Parking and Tra 3 - Private Cycle Parking state permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels in the EDG, and cycle parking and storage complies with the standards.

Zero parking is proposed for the development. This is acceptable given the site’s edge of city centre location and close proximity to bus stops which provide access to several bus routes serving the city centre, and the east, west, south and north of the city; including Heriot Watt University. A parade of commercial units is located directly opposite the site and Gorgie/Dalry Town Centre is located 400 metres to the east. Gorgie/Dalry Town Centre provides access to a variety of shops, cafes, hot food takeaways and professional services in addition to two supermarkets.

The proposal includes provision for a bike storage rack in the north western corner of the building at ground floor level providing secure cycle storage for 20 bicycles.
Additional storage is also provided adjacent to the rear elevation of the building for 9 bicycles. This level of cycle parking exceeds the cycle parking standards in the EDG which would require a minimum provision of 26 spaces and will ensure that prospective occupants have access to an acceptable level of communal cycle parking.

The Roads Authority has raised no objection to the proposal on road safety grounds.

The proposal does not raise any issues in respect of motor vehicle and cycle parking and complies with policies Tra 2 and Tra 3.

f) Other Material Considerations

Species Protection, Flood Prevention and Trees

A stage one bat survey was undertaken in March 2017 in connection with the previously consented development, (application number: 16/06024/FUL). This survey concluded that no bats were found in the building and the premises offered negligible bat roosting potential. Given the age and findings of this survey, it is not considered that the existing building on site is likely to be used by roosting bats and the proposed will not have an adverse impact on species protected under European law.

A flood risk assessment and surface water management plan were submitted to demonstrate that the proposal would not increase the risk of flooding or be at risk of flooding itself. Flood Prevention was consulted on the proposal and raised no objection.

The existing trees located on Hutchison Crossway to the west of the site are not included as part of the proposal and will be retained. These trees are located on land owned by the City of Edinburgh Council (CEC) and any works to prune, trim or remove these trees would require the agreement of CEC.

The proposal complies with LDP policies Env 16 and Env 21.

Waste Collection

A bin store will be situated at ground floor level capable of providing sufficient waste and recycling facilities for prospective residents which meet the Council's requirements for the storage and collection of waste from the site.

The proposal does not raise any issues in respect of waste collection in compliance with policy Des 5.

Education and Affordable Housing Contributions

The proposal has been assessed in terms of the Council's Supplementary Guidance on Developer Contributions and Infrastructure Delivery. Communities and Families was consulted on the proposed development and advised that no additional primary and secondary school pupils are expected to be generated as a result of the proposal. Therefore, no contribution towards increasing school capacity will be required.
The proposal involves the provision of fewer than 12 units. Consequently, the proposed development is not required to provide on-site affordable housing or a financial contribution to affordable housing delivery off site.

The proposal complies with LDP policy Del 1.

**Archaeological Significance**

The city archaeologist has commented that the existing public house has archaeological significance due to its age and historical use as an 18th-19th century blacksmiths. Having regards to the potential archaeological significance of the site, a condition will be attached to ensure that a programme of archaeology is undertaken prior to the commencement of development.

The proposal complies with LDP policy Env 9.

g) **Matters Raised in Representations**

**Objection Comments**

**Material Considerations**

- Loss of a facility which is used by the local community and hosts charitable fundraisers - addressed in section 3.3 (a).
- Proposal is overdevelopment of the site - addressed in section 3.3 (b).
- Proposal will have a detrimental impact on the character and appearance of the surrounding area - addressed in section 3.3 (b).
- Design, scale, height and density of the proposal are inappropriate - addressed in section 3.3 (b).
- Proposal will have an adverse impact on the amenity of neighbouring residents - addressed in section 3.3 (d).
- Proposal will result in increased parking for the surrounding area and raises issues in respect of road safety - addressed in section 3.3 (e).
- Proposal will place pressure on existing community education and health facilities - addressed in section 3.3 (f).
Non-Material Representations

- Demolition of an important historic building - The existing building on the site is not a listed building or located within a conservation area and is not afforded and specific statutory protection from demolition.

- Noise and disturbance from construction of proposed development - The planning authority cannot control noise associated with construction works. These matters are controlled separately through Environmental Protection.

- Proposed development may be used as student flats - The proposal is seeking planning permission to construct eleven flatted dwellings which are considered to fall under the sui generis use class within the Town and Country Planning (Use Classes) (Scotland) Order 1997. Changing the use of the proposed development to managed student accommodation would require the submission of a separate application for planning permission.

- Loss of a facility which provides employment - The potential loss of an individual's job is not a material planning consideration.

Support Comments

Material Considerations

- Proposal is acceptable in principle - addressed in section 3.3 (a).

Conclusion

In conclusion, the proposal is acceptable in principle, and is of an appropriate scale and design which will enhance the character and appearance of the surrounding area. The proposal will create a satisfactory living environment for prospective occupants, will not have an adverse impact on the amenity of neighbouring residents and does not raise any issues in respect of vehicle and cycle parking, flood prevention, species protection, archaeological significance, waste and recycling provision or infrastructure contributions. The proposal complies with policies Del 1, Hou 1, Hou 2, Hou 3, Hou 4, Hou 10, Des 1, Des 4, Des 5, Env 9, Env 16, Env 21, Tra 2 and Tra 3 of the adopted Edinburgh Local Development Plan (LDP), the Edinburgh Design Guidance (EDG) and the Council's Supplementary Guidance for Developer Contributions and Infrastructure Delivery.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. 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.
2. Prior to the commencement of development:

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.

3. 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.

4. Prior to the occupation of the development, glazing units with a minimum insulation value of 6.4/12/10 mm double glazing shall be installed for the external doors and windows overlooking Gorgie Road and Hutchison Crossway. These windows shall also be fitted with attenuated trickle ventilation with a minimum acoustic rating Dn,e, w 39 dB.

Reasons:

1. In order to enable the planning authority to consider this/these matter/s in detail.

2. In order to enable the planning authority to consider this/these matter/s in detail.

3. In order to safeguard the interests of archaeological heritage.

4. In order to protect the amenity of the occupiers of the development.

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 scheme should be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

- **Bedrooms** - 30dB LAeq, T and 45dB LAfmax
- **Living Rooms** - 35 dB LAeq, D

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

5. 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;

6. Written confirmation should be provided from Scottish Water confirming they accept the proposed discharge to the combined sewer system.

### Financial impact

4.1 The financial impact has been assessed as follows:

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

### Risk, Policy, compliance and governance impact

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

### Equalities impact

6.1 The equalities impact has been assessed as follows:

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

### Sustainability impact

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

277 letters of objection and seven letters of support were received in respect of the proposal. A full summary of the matters raised by the objectors and supporters can be found in section 3.3 (a) of the main report.

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 located in the urban area in the Edinburgh Local Development Plan.

Date registered
28 August 2018

Drawing numbers/Scheme
01, 02A, 03A, 04A, 05A, 06A,

Scheme 2

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Allanson, Planning Officer
E-mail: james.allanson@edinburgh.gov.uk Tel: 0131 529 3946

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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

Statutory Development Plan Provision
The site is located in the urban area in the Edinburgh Local Development Plan.

Date registered
28 August 2018

Drawing numbers/Scheme
01, 02A, 03A, 04A, 05A, 06A,

Scheme 2

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Allanson, Planning Officer
E-mail: james.allanson@edinburgh.gov.uk Tel: 0131 529 3946

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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 5 (Development Design - Amenity) sets criteria for assessing amenity.
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 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 16 (Species Protection) sets out species protection requirements for new development.

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

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

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.

**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.

**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 18/04267/FUL at 437 Gorgie Road, Edinburgh, EH11 2RT
Demolition of existing Public House and construction of 11 residential flats with gardens (as amended).

Consultations

City Archaeologist

Further to your consultation request I would like to make the following comments and recommendations in respect to this application to demolish existing public house and construct 11 residential flats with gardens.

The site is currently occupied by the Horseshoe Public House, which although unlisted would appear to correspond to a building shown on the 1853 1st Edition OS map as a smithy. This structure is situated at an historic road intersection opposite the entrance to the 17th century Saughtonhall and backs onto the post-medieval mill-lade feeding Gorgie Mills located c.0.5km to the east.

Although not listed the Horseshoe Pub is of local archaeological/historic significance likely to date back in part to at least the mid-19th century. In addition, the location of the post-medieval mill-lade feeding nearby Gorgie Mills running/forming the sites southern boundary and 19th century map evidence further supports the assessment that the site should be regarded as occurring within an area of archaeological importance.

The site is therefore regarded as occurring within an area of archaeological significance. This application must therefore be considered therefore under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) policy 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.

Historic Buildings

Although altered the Horseshoe Public House is likely to have originated as an earl-mid 18-19th century smithy and as such is one of the oldest surviving buildings in Gorgie. The upstanding fabric of the building may therefore contain important evidence of its former industrial heritage.

The proposed scheme seeks to demolish this historic property and such it must be considered as having a significant archaeological impact. However, having assessed the implications of its loss it is considered that it is acceptable provided that prior to and during demolition that the detailed and comprehensive programme of archaeological
historic building survey (level 2-3, phased plans, elevations, written and photographic surveys) is undertaken. This work will require an initial assessment phase necessitating the removal of both external render initially in 1.5m test sections in order to record and assess the main fabric of the building and areas of soft strip internally in areas which may reveal significant historic features (e.g. blocked windows, fire places).

Buried Archaeology
This site is regarded as being of archaeological significance primarily in terms of its 18-20th century industrial archaeology (e.g. mill lade and smithy). Given that the proposed development will require extensive excavations it is essential that a programme of archaeological works be undertaken to fully excavate, record and analysis any surviving archaeological remains affected.

Accordingly, is it essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, excavation, reporting and analysis and 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.

Please contact me if you require any further information.

Communities 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.

Environmental Protection

The applicant proposes demolishing an existing public house and erecting a residential development with no parking. The site is located on a busy junction on Gorgie Road with residential use located to the east and south. Consent has already been recently granted for a residential development on this site (16/06024/FUL).
Environmental Protection recognises that the site could be developed out as residential with the requirements of any further permission. Environmental Protection highlight that the site is located on a busy road and that upgraded glazing will be required to ensure that a good level of amenity can be achieved inside the proposed development.

Environmental Protection recommend the scheme should be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

- **Bedrooms** - 30dB LAeq, T and 45dB LAfmax
- **Living Rooms** - 35 dB LAeq, D

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

Environmental Protection shall recommend the above standards are highlighted in an informative.

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)

Therefore Environmental Protection offer no objection subject to the following condition and suggested informative being attached.

**Condition**

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 vent.

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.
Informative

The scheme should be designed in accordance with BS8233:2014 ‘Guidance on sound insulation and noise reduction for buildings - Code of Practice’ to attain the following internal noise levels:

Bedrooms - 30dB LAeq, T and 45dB LAfmax
Living Rooms - 35 dB LAeq, D

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

Flood Prevention

Flood Prevention have no further comments relating to this application. We are happy for the application to be determined, with the following condition applied:

1. Written confirmation should be provided from Scottish Water confirming they accept the proposed discharge to the combined sewer system.

Roads Authority

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

1. In support of the Council’s LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicle in the area;
2. 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;
3. The Council’s 2017 parking standards require the applicant to provide a minimum of 26 secure cycle parking provision.

Scottish Water

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused. In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers:
Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network

Next Steps:

Single Property/Less than 10 dwellings
For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

10 or more domestic dwellings:
For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Waste Services

I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects or developers should liaise directly with me, via email at justine.stansfield@edinburgh.gov.uk

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability.
For high density properties such as these flats, we would recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. 11 apartments will require 2 x 1280L residual, 2 x 280L mixed recycling, 1 x 360L glass and 1 x 240L food. It should also be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.

Developers can either source their own bins in line with our requirements or can arrange for us to do so and recharge the cost - this will probably be most convenient for them.

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

Although there are no details of any commercial aspect, for completeness, it would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on. We would need to see some explanation of how the bin store would be serviced, if we are expected to service bins from this location. If we are to enter the site, we require vehicle tracking to show how we would access the bin store and turn and exit safely.

If we are expected to stop on the main road, we need confirmation there is no more than a 10m straight pull from the bin store to the vehicle.

Initial information on the requirements for waste services is available in the Architect's Instructions, which can be provided for reference.

I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.
Location Plan

© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END
Application for Planning Permission 19/04238/FUL. at Kirkgate Church, 1 Kirkgate, Edinburgh.
The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall.

Summary

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting and integrity of the listed building, as well as the character and appearance of the conservation area.

The dismantling and rebuilding of the wall will have no adverse impacts on the long term integrity of the listed building or its setting. It will be restored and rebuilt on robust foundations, ensuring preservation.

The proposal is therefore acceptable and complies with the relevant policies of Historic Environment Policy for Scotland, Local Development Plan and non-statutory guidance. There are no material considerations that outweigh this conclusion.

Links
Policies and guidance for this application

HEPS, LDPP, LEN02, LEN03, LEN04, LEN06, NSG, NSLBCA, CRPLEI, TDM, HESCON, HESDEM, HESSET,
Application for Planning Permission 19/04238/FUL at Kirkgate Church, 1 Kirkgate, Edinburgh. The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall.

Recommendations

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

Background

2.1 Site description

The application relates to the eastern boundary wall of South Leith Churchyard which faces onto Constitution Street. The full length of the wall is approximately 110 metres. The Church, graveyard, walls, gates and railings are category A listed (Ref: LB27466, 14/12/1970). The grounds within the churchyard are designated open space.

The original wall dates c.1790 and was built in random rubble and appears to have been later raised. A modern cement render was applied during the mid - late 20th Century and architectural embellishments to the street elevation. Gravestones are built into its internal façade. The wall contains two railed openings allowing views into the churchyard. There are also four mural plaques located on the eastern side of the wall at regular intervals.

The Church and wall are identified as a Schedule 10 building under the Edinburgh Tram (Line One) Act 2006 which states that no tram equipment shall be attached to the structure without listed building consent being obtained.

This application site is located within the Leith Conservation Area.

2.2 Site History

02 February 2012 - Application granted for stabilization of ground in churchyard by taking down and rebuilding existing structurally unsound boundary retaining wall. Provision of new engineered foundations along whole 100m length (application reference: 11/03479/FUL).

15 March 2012 - Application granted for stabilization of ground in churchyard by taking down and rebuilding existing structurally unsound boundary retaining wall. Provision of new engineered foundations along whole 100m length (application reference: 11/03479/LBC).
Main report

3.1 Description of the Proposal

To enable the York Place to Newhaven tram extension project, the wall within the grounds of St Mary's Church (South Leith Parish) requires to be dismantled and rebuilt to ensure the wall becomes structurally sound. In its current condition, the tram works and associated archaeological investigation are likely to undermine the wall to the point of collapse.

The application therefore proposes complete dismantling of the wall down to foundation level, the creation of a new concrete foundation and rebuilding of the wall in replica of the existing, with the addition of two new railed openings.

Two new railed openings are proposed along the length of the wall which will emulate the existing two openings, with cast iron railings.

The proposal will also see the careful taking down of various memorial stones affixed to the internal face of the graveyard wall. These will be returned to their original position following the works.

Overhead Line Equipment (OLE) is required as part of the tram line, with a total of six new OLE columns included within this application - four of which are mounted on top of the church wall.

The existing rubblestone will be reclaimed and reinstated to the graveyard elevation and attached to the new reinforced concrete wall. The street elevation will be finished in lime washed render with the stone coping, string and cornicing replaced as existing.

The proposed demolition works may result in minor encroachment in to the extents of the graveyard and associated lairs, although the Method Statement seeks to minimise this and the process will be monitored by the Archaeological Team appointed by the applicant.

Supporting Information
The following documents have been submitted in support of the application:

- Conservation Report;
- Method Statement for the deconstruction of the retaining wall;
- Method Statement for the construction of the new reinforced concrete wall;
- Method Statement for the reinstallation of the murals on the inner of the graveyard; and
- Risk Assessment.

These documents can be viewed on the Planning and Building Standards Online Service.
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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 impact on the special architectural character or historic interest of the listed building including its setting is acceptable;
- b) The proposal will preserve the character and appearance of Leith Conservation Area;
- c) Public comments have been addressed and
- d) Impacts on equalities and human rights are acceptable.

a) Listed Building

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

'In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Paragraph 6 of Historic Environment Scotland Policy Statement 2019 (HEPS) identifies:

*HESPS should be taken into account whenever a decision will affect the historic environment. It is also a material consideration for planning proposals that might affect the historic environment, and in relation to listed building consent.*
The assessment on the character and setting of the listed building and character and appearance of the conservation area have been informed by the various Method Statements submitted in support of the application.

Historic Environment Scotland’s document ‘Managing change in the Historic Environment - Setting’ states;

‘Setting’ is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected;
- Define the setting of each historic asset and
- Assess the impact of any new development on this.

HESPS ensures the historic environment is protected and enhanced. Policy HEP4 within the document ensures that any changes to specific assets protects the historic environment and should be enhanced where possible. It has been considered that the proposed works to the wall will not have a detrimental impact on the wider historic environment and will enhance the overall setting of the listed building.

LDP Policy Env 2 only permits listed buildings to be demolished in exceptional circumstances. This proposal requires the demolition of a listed building (the churchyard wall), however the wall will be fully rebuilt in the same location using the original materials wherever possible. The reuse of historic fabric will eliminate any significant impact. The works are necessary to strengthen the wall and create robust foundations whilst allowing for the construction of the tram extension.

LDP Policy Env 3 protects the setting of any listed building and ensures that development does not detrimentally impact the architectural character, appearance or historic interest of the building. The integrity of the church and the wall will be fully preserved and upon completion of the works, the appearance will be enhanced through the use of high quality materials and finishings.

LDP Policy Env 4 ensures that any alterations to a listed building are justified, with no unnecessary damage to the structure or diminution of its interest. The works proposed are fully justified and required to enable the completion of the York Place to Newhaven tram line and to ensure conservation of the wall. The approved Method Statements provide detail on the dismantling and reconstruction of the wall.

The proposal includes the addition of four OLE poles on the wall itself (at approximately 25m intervals apart) and a further two on the ground at each end of the wall. The addition of these provide a more integral design solution and does not significantly impact on the setting of the listed building.
The two new cast iron railed openings are created in locations where no monuments exist on the inner facade of the wall. The opening to the southern end of the wall provides a softer end to the wall, providing a more permeable corner feature enhancing views into the churchyard. The second new opening assists to break up the solid mass of the wall, further enhancing views from Constitution Street and enhancing the setting of the wider listed building.

The Council's Archaeologist and Historic Environment Scotland (HES) have been consulted and are satisfied that measures are in place to ensure that the wall and associated elements are carefully dismantled, securely stored and reconstructed. Updated drawings providing more detail were submitted in response to the HES consultation response which have been approved.

The Tram Design Manual sets out the criteria for assessing tram proposals and seeks to ensure a high quality tram system for Edinburgh that embraces the best practice demonstrated in other European Cities and is of a standard appropriate to the city's world renowned status. The manual ensures that particular consideration is given to the impacts associated with listed structures in conservation areas and that the design contributes to a comprehensive approach to the public realm.

There will be no diminution of the listed buildings historical interest through the proposed works.

b) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Leith Conservation Area was designated in 1998. Leith Conservation Area Character Appraisal states that South Leith Parish Church is the earliest building in the area, the Gothic revival style of which forms an interesting contrast to its opposite neighbour, the classically proportioned Trinity house. The church is identified within the Old Leith and The Shore sub area within the conservation area.

LDP Policy Env 6 only permits development within conservation areas which preserves or enhances the special character or appearance of the area, whilst ensuring consistency with the conservation area character appraisal. The wall is to be be re-erected in situ as part of the tram construction works and the proposed works will have no detrimental impact on the character or appearance of the conservation area. The rebuild will ensure the wall is made more robust with sound foundations to ensure longevity and integration into the wider public realm.

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 and LDP Policy Env 6 as it preserves the character and appearance of the conservation area.
c) Public comments
One representation was received. This was objecting to the quality of the finishings for proposed wall. However, revised drawings have since been received which addresses this.

d) Equalities and human rights
The proposal has been assessed and has no impact in terms of equalities or human rights.

Conclusion
In conclusion, the proposal complies with HESPS, the LDP and non-statutory guidance. There are no adverse effects on the historic interest of the listed building, or on the character and appearance of Leith Conservation Area.

The proposed scheme is necessary and the impact can be offset by the undertaking of appropriate archaeological and conservation mitigation and by the design of the new wall reflecting closely that of the original.

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

3.4 Conditions/reasons/informatives
Conditions:-

1. 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.

2. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Council as planning authority.

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, conservation, reporting and analysis, publication, public engagement and interpretation), 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.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

2. In order to enable the planning authority to consider this/these matter/s in detail.

3. In order to safeguard the character of the statutorily listed building.
Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. Through section 7 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) the applicant is required to allow Historic Environment Scotland the opportunity to carry out recording of the building. Applicants should complete and return the Consent Application Referral Form at https://www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme

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

Due to the historic sensitivity of the site, there have been extensive discussions with the Tram Extension Project Team to ensure that appropriate mitigation strategies and designs are produced that would minimise the archaeological and heritage impacts on the listed building. These discussions have included the following:

- The full excavation of the underlying archaeological remains;
- The forensic archaeological excavation of the underlying burials dating between c.1300-1650;
The detailed archaeological recording of the historic wall and memorials;
- The construction methodology designed to avoid disturbance to the post-1790 burials located within the current graveyard;
- Ensuring that the design of the rebuilt graveyard wall reflects closely that of the current historic wall and in particular ensuring the reuse of historic fabric along the inner (graveyard) elevation;
- Ensuring the conservation of the wall's important historic memorials is undertaken during development;
- Minimising downs-takings and thereby minimising impacts on the historic wall and underlying burials; and
- Ensuring that the final design reflects the important heritage of the site.

8.2 Publicity summary of representations and Community Council comments

One representation was received.

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
The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Relevant policies of the Local Development Plan.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

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 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines
Non-statutory guidelines ‘LISTED BUILDINGS AND CONSERVATION AREAS’ provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Leith Conservation Area Character Appraisal emphasises the areas unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

The Tram Design Manual sets out the criteria for assessing tram proposals it seeks to ensure a high quality tram system for Edinburgh that embraces the best practice demonstrated in other European cities, and is of a standard appropriate to the city’s world-renowned status.

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Managing Change in the Historic Environment: Demolition sets out Government guidance on the principles that apply to the demolition of listed buildings.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.
Appendix 1

Application for Planning Permission 19/04238/FUL. at Kirkgate Church, 1 Kirkgate, Edinburgh
The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall.

Consultations

Archaeology comment

Further to your consultation request I would like to make the following comments and recommendations concerning these linked LBC & FUL applications to stabilize the ground within the church yard by taking down and rebuilding existing structurally unsound boundary retaining wall with new engineered foundations and R.C. wall.

The proposals seek to take down and rebuild the eastern boundary wall for South Leith Parish Church on Constitution Street. This A-listed wall was constructed c.1790 when Constitution Street was inserted along and through the eastern side of the church’s graveyard. The results of the 2008 excavations carried out along Constitution Street by Headland Archaeology for CEC/TIE have just been published by CEC Museums in 2019 (Past Lives of Leith, Franklin et al). These results have established that the original graveyard was much larger thought prior to 2008 and extended across the entire width of the current road towards Leith Links. The excavations exhumed c.380 inhumations, buried in organised laid rows & lairs running north-south roughly parallel with the existing graveyard wall. However they also demonstrated that an estimated further 300+ burials had been disturbed, without apparent reporting, by the insertion of a large Victorian sewer and services up until this work.

Significantly, dating of the burials has demonstrated that the graveyard predates the established date for South Leith Parish Church of 1483AD by some 150 years. Furthermore, burials seem to cease around 1650 possible as result of the reconstruction of the towns defences along Constitution Street in the 1640s and also by the outbreak of the plague in 1644/5 which wiped out over 50% of the Leith’s ‘s population. The excavations also uncovered remains relating to the laying out of burgage plots along the Kirkgate in the early 14th century and the remains associated with the fortification of the town in the in the 16th and 17th centuries.
Accordingly, this application must be considered under terms of Scottish Government’s Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, Historic Environment Scotland’s Policy Statement (HESPS) 2016 and Archaeology Strategy and Edinburgh Local Development Plan (2016) polices ENV2, 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 above works will have an obvious significant archaeological impact both upon the surviving Listed (post-1790) graveyard boundary wall and its associated memorials, as well as upon the underlying archaeological remains and burials dating to between c.1300 and c.1650AD. Although the development will have a significant heritage impact, I am content that the proposed scheme is both necessary (in terms of health & Safety implications of the condition of the existing wall) and that the impact can be offset by the undertaking of appropriate archaeological and conservation mitigation and by the design of the new wall reflecting closely that of the current original.

Due to the historic sensitivity of the site, and as part of our role in advising the Tram Extension Project Team we have had extensive discussions to ensure that appropriate mitigation strategies and designs are produced that would minimise the archaeological and heritage impacts, namely:

- The full excavation of the underlying archaeological remains
- The forensic archaeological excavation of the underlying burials dating between c.1300-1650
- The detailed archaeological recording of the historic wall and memorials
- Construction methodology designed to avoid disturbance to the post-1790 burials located within the current graveyard
- Ensure that the design of the rebuilt graveyard wall reflects closely that of the current historic wall and in particular the ensure reuse of historic fabric along inner (graveyard) elevation
- Ensure the conservation of the wall’s important historic memorials is undertaken during development and
- Minimise down-takings thereby minimising impacts on historic wall and underlying burials and to ensure that the final design reflects the important heritage of the site.

Accordingly, having assessed the submitted application I'm happy to support the proposed designs for the wall in that, although it will incorporate new OLE poles and have addition openings these changes in my opinion will not have an adverse effect upon the character and setting of the historic kirkyard and Parish church. Similarly, the reuse of historic fabric in the new rebuilt wall will minimise any significant impact.

The proposals will also see the careful taking down and re-sighting of the important memorial stones constructed and affixed to the internal face of the graveyard wall. This work must be undertaken in reference and accordance with the submitted 2019 Conservation Report by Nic Boyes and the Deconstruction and Reinstatement methodologies produced by Morrison Utilities Services in support of the application.
In addition, it is essential that a programme of archaeological works is undertaken prior to and during demolition and development, comprising excavation, historic building recording, public engagement and conservation (memorial slabs). This is in order that any archaeological remains and built heritage is properly recorded, conserved and excavated where preservation in situ is not possible. The work will be undertaken based upon and in accordance with the agreed archaeological briefs produced by GUARD and agreed by ourselves for the wider Tram Newhaven Extension Project.

It is recommended that this programme of works be secured using the following condition attached to both consents if granted:

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

The work must be carried out by professional archaeological and conservation organisations with responsibility for the execution and resourcing of the programme of archaeological and conservation works and for the archiving and appropriate level of publication of the results lying with the applicant.

HES comment

Our Advice

The current application concerns the taking down and replacement of the Category A listed kirkyard wall fronting Constitution Street. The wall dates from the early 1790s when Constitution Street was driven through the eastern part of South Leith Parish Churchyard. The original wall was built in random rubble, and appears to have been later raised, with an additional lined lime coating and architectural embellishment to the roadside. This was later replicated in cement rich render.

Listed Building Consent was granted for the rebuilding of the wall in March 2012. In this scheme, by the architect Bob Heath, the graveyard-side was to be rebuilt in salvaged rubble stone and the street-side in concrete block, rendered with lime plaster mortar and lined to resemble the current treatment. The new street-side walling was to receive a stone cope, string course and cornice on the projecting features. Two new openings were to be created and these were to be infilled with cast iron railings to match the original pattern at South Leith Parish Church (see elevation onto both Constitution Street and Kirkgate).

We welcome the Conservation Assessment Report on the gates and the internal wall of the graveyard and its monuments. The detailed treatment to rebuild the internal wall using salvaged stone, repair and reset the monuments can form, as before, an element of the conditions.

However, regarding the new replacement wall facing Constitution Street, the current application contains far less detail, and appears to be of a lesser standard than that
approved in 2012. Although we have no concerns with a reinforced concrete wall, we noted at the pre-application meeting that an embossed concrete finish to the wall was not appropriate, and that the standard of the previously approved scheme (lined lime plaster finish and stone cope, string and cornice) should be emulated.

Although the drawings show the replacement and replication of a stone cope, there is no further information or detail on how the new wall will be constructed, including the projecting rusticated features and no stone cornices or string courses are shown. We would recommend additional details showing a lime-based render finish and stone detailing as before. This may mean some changes to the treatment of the reinforced concrete sub wall.

The drawings show 'new railings to match existing' but we would recommend that new cast iron railings to match the original churchyard pattern are provided, as with the 2012 application.

We have no concerns with the repositioning of the OLE poles on the top of the new wall. We note that the walling - with its impervious cement coating - has moved and is in danger, meaning some remedial work would likely be necessary even without the tram works.

To conclude, we accept, as before, the need for the wall to be rebuilt, but do not support the diminution in quality of its proposed replacement. We would suggest that additional discussion and details are provided to guarantee the quality of the new build elements.

There should be detailed conditions on the new railings and trial panels for render, stonework and monument repair and re-siting.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.
Location Plan

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

END
Application for Listed Building Consent 19/04263/LBC at Kirkgate Church, 1 Kirkgate, Edinburgh.
The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall.

Summary

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting and integrity of the listed building, as well as the character and appearance of the conservation area.

The dismantling and rebuilding of the wall will have no adverse impacts on the long term integrity of the listed building or its setting. It will be restored and rebuilt on robust foundations, ensuring preservation.

The proposal is therefore acceptable and complies with the relevant policies of Historic Environment Policy for Scotland and non-statutory guidance. There are no material considerations that outweigh this conclusion.

Links

| Policies and guidance for this application | HEPS, NSG, CRPLEI, NSLBCA, TDM, HES, HESCON, HESDEM, HESSET, |

Links
Application for Listed Building Consent 19/04263/LBC at Kirkgate Church, 1 Kirkgate, Edinburgh

The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall.

Recommendations

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

Background

2.1 Site description

The application relates to the eastern boundary wall of South Leith Churchyard which faces onto Constitution Street. The full length of the wall is approximately 110 metres. The Church, graveyard, walls, gates and railings are category A listed (Ref: LB27466, 14/12/1970). The grounds within the churchyard are designated open space.

The original wall was built in random rubble and appears to have been later raised, with an additional lined lime coating and architectural embellishment to the road side. This was later replicated in cement rich render. Gravestones are built into its internal façade. The wall contains two railed openings allowing views into the churchyard. There are also four mural plaques located on the eastern side of the wall at regular intervals.

The Church and wall are identified as a Schedule 10 building under the Edinburgh Tram (Line One) Act 2006 which states that no tram equipment shall be attached to the structure without listed building consent being obtained.

This application site is located within the Leith Conservation Area.

2.2 Site History

02 February 2012 - Application granted for stabilization of ground in churchyard by taking down and rebuilding existing structurally unsound boundary retaining wall. Provision of new engineered foundations along whole 100m length (application reference: 11/03479/FUL).

15 March 2012 - Application granted for stabilization of ground in churchyard by taking down and rebuilding existing structurally unsound boundary retaining wall. Provision of new engineered foundations along whole 100m length (application reference: 11/03479/LBC).
Main report

3.1 Description of the Proposal

To enable the York Place to Newhaven tram extension project, the wall within the grounds of St Mary's Church (South Leith Parish) requires to be dismantled and rebuilt to ensure the wall becomes structurally sound. In its current condition, the tram works and associated archaeological investigation are likely to undermine the wall to the point of collapse.

The application for listed building consent proposes complete dismantling of the wall down to foundation level, the creation of a new concrete foundation and rebuilding of the wall in replica of the existing, with the addition of two new railed openings.

Two new railed openings are proposed along the length of the wall which will emulate the existing two openings, with cast iron railings.

The proposal will also see the careful taking down of various memorial stones affixed to the internal face of the graveyard wall. These will be returned to their original position following the works.

Overhead Line Equipment (OLE) are required as part of the tram line, with a total of six new OLE columns included within this application - four of which are mounted on top of the church wall.

The existing rubblestone will be reclaimed and reinstated to the graveyard elevation and attached to the new reinforced concrete wall. The street elevation will be finished in limewashed render with the stone coping, string and cornicing replaced as existing.

The proposed demolition works may result in minor encroachment into the extents of the graveyard and associated lairs, although the Method Statement seeks to minimise this and the process will be monitored by the Archaeological Team appointed by the applicant.

Supporting Information

The following documents have been submitted in support of the application:

- Conservation Report;
- Method Statement for the deconstruction of the retaining wall;
- Method Statement for the construction of the new reinforced concrete wall;
- Method Statement for the reinstallation of the murals on the inner of the graveyard;
- Risk Assessment; and
- Supporting Statement.

These documents can be viewed on the Planning and Building Standards Online Service.
3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

a) The impact on the special architectural character or historic interest of the listed building including its setting is acceptable
b) The proposal will preserve the character and appearance of Leith Conservation Area;
c) Public comments have been addressed and
d) Impacts on equalities and human rights are acceptable.

a) Listed Building

Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

'In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Paragraph 6 of Historic Environment Scotland Policy Statement 2016 (HESPS) identifies:

HESPS should be taken into account whenever a decision will affect the historic environment. It is also a material consideration for planning proposals that might affect the historic environment, and in relation to listed building consent.

The assessment on the character and setting of the listed building and character and appearance of the conservation area have been informed by the various Method Statements submitted in support of the application.
Historic Environment Scotland’s document 'Managing change in the Historic Environment - Setting' states;

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected;
- Define the setting of each historic asset; and
- Assess the impact of any new development on this.

HESPS ensures the historic environment is protected and enhanced. Policy HEP4 within the document ensures that any changes to specific assets protects the historic environment and should be enhanced where possible. It has been considered that the proposed works to the wall will not have a detrimental impact on the wider historic environment and will enhance the overall setting of the listed building.

The proposal includes the addition of four OLE poles on the wall itself (at approximately 25m intervals apart) and a further two on the ground at each end of the wall. The addition of these provide a more integral design solution and does not significantly impact on the setting of the listed building.

The two new cast iron railed openings are created in locations where no monuments exist on the inner facade of the wall. The opening to the southern end of the wall provides a softer end to the wall, providing a more permeable corner feature enhancing views into the churchyard. The second new opening assists to break up the solid mass of the wall, further enhancing views from Constitution Street and enhancing the setting of the wider listed building.

The Council's Archaeologist has been consulted and is satisfied that measures are in place to ensure that the wall and associated elements are carefully dismantled, securely stored and reconstructed. Archaeology conditions have been secured through the related planning application.

Historic Environment Scotland have been consulted and are satisfied with the proposal since revised drawings providing more detail were submitted.

The Tram Design Manual sets out the criteria for assessing tram proposals and seeks to ensure a high quality tram system for Edinburgh that embraces the best practice demonstrated in other European Cities and is of a standard appropriate to the city's world renowned status. The manual ensures that particular consideration is given to the impacts associated with listed structures in conservation areas and that the design contributes to a comprehensive approach to the public realm.

There will be no diminution of the listed buildings historical interest through the proposed works.
b) Conservation Area
Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Leith Conservation Area was designated in 1998. Leith Conservation Area Character Appraisal states that South Leith Parish Church is the earliest building in the area, the Gothic revival style of which forms an interesting contrast to its opposite neighbour, the classically proportioned Trinity house. The church is identified within the Old Leith and The Shore sub area within the conservation area.

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area.

c) Public comments
No representations were received.

d) Equalities and human rights
The proposal has been assessed and has no impact in terms of equalities or human rights.

Conclusion
In conclusion, the proposal complies with HESPS and the relevant non-statutory guidance. There are no adverse effects on the historic interest of the listed building, or on the character and appearance of Leith Conservation Area.

The proposed scheme is necessary and the impact can be offset by the undertaking of appropriate archaeological and conservation mitigation and by the design of the new wall reflecting closely that of the original.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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.

2. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Council as planning authority.
Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. It should be noted that exhumations within the body of the churchyard are covered by specific legislation relating to burial grounds, and the archaeological procedures pertaining to exhumations (if any) on the street-side do not apply. Services for Communities (Burial Grounds Division) should be kept fully informed of all works. Works should be ensured to comply with the Burial Grounds (Scotland) Act 1855 and the government procedures on exhumations laid down in 2005. All efforts should be made to contact all relevant lair-holders prior to any works commencing.

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

No representations were received.

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](#)
David R. Leslie  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council  

Contact: Nicola Orr, Planning Officer  
E-mail: nicola.orr@edinburgh.gov.uk  
Tel: 0131 469 3712

**Links - Policies**

**Relevant Policies:**

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

**Relevant Non-Statutory Guidelines**

The Leith Conservation Area Character Appraisal emphasises the area’s unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Tram Design Manual sets out the criteria for assessing tram proposals it seeks to ensure a high quality tram system for Edinburgh that embraces the best practice demonstrated in other European cities, and is of a standard appropriate to the city’s world-renowned status.

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Managing Change in the Historic Environment: Demolition sets out Government guidance on the principles that apply to the demolition of listed buildings.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.
Appendix 1

Application for Listed Building Consent 19/04263/LBC at Kirkgate Church, 1 Kirkgate, Edinburgh.
The proposed works is to stabilize the ground within the church yard by taking down and rebuilding the existing structurally unsound boundary retaining wall with new engineered foundations and reinforced concrete wall.

Consultations

Archaeology comment

Further to your consultation request I would like to make the following comments and recommendations concerning these linked LBC & FUL applications to stabilize the ground within the church yard by taking down and rebuilding existing structurally unsound boundary retaining wall with new engineered foundations and R.C. wall.

The proposals seek to take down and rebuild the eastern boundary wall for South Leith Parish Church on Constitution Street. This A-listed wall was constructed c.1790 when Constitution Street was inserted along and through the eastern side of the church’s graveyard. The results of the 2008 excavations carried out along Constitution Street by Headland Archaeology for CEC/TIE have just been published by CEC Museums in 2019 (Past Lives of Leith, Franklin et al). These results have established that the original graveyard was much larger thought prior to 2008 and extended across the entire width of the current road towards Leith Links. The excavations exhumed c.380 inhumations, buried in organised laid rows & lairs running north-south roughly parallel with the existing graveyard wall. However they also demonstrated that an estimated further 300+ burials had been disturbed, without apparent reporting, by the insertion of a large Victorian sewer and services up until this work.

Significantly, dating of the burials has demonstrated that the graveyard predates the established date for South Leith Parish Church of 1483AD by some 150 years. Furthermore, burials seem to cease around 1650 possible as result of the reconstruction of the towns defences along Constitution Street in the 1640s and also by the outbreak of the plague in 1644/5 which wiped out over 50% of the Leith’s ‘s population. The excavations also uncovered remains relating to the laying out of burgage plots along the Kirkgate in the early 14th century and the remains associated with the fortification of the town in the in the 16th and 17th centuries.
Accordingly, this application must be considered under terms of Scottish Government’s Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, Historic Environment Scotland’s Policy Statement (HESPS) 2016 and Archaeology Strategy and Edinburgh Local Development Plan (2016) polices ENV2, 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 above works will have an obvious significant archaeological impact both upon the surviving Listed (post-1790) graveyard boundary wall and its associated memorials, as well as upon the underlying archaeological remains and burials dating to between c.1300 and c.1650 AD. Although the development will have a significant heritage impact, I am content that the proposed scheme is both necessary (in terms of health & Safety implications of the condition of the existing wall) and that the impact can be offset by the undertaking of appropriate archaeological and conservation mitigation and by the design of the new wall reflecting closely that of the current original.

Due to the historic sensitivity of the site, and as part of our role in advising the Tram Extension Project Team we have had extensive discussions to ensure that appropriate mitigation strategies and designs are produced that would minimise the archaeological and heritage impacts, namely:

- The full excavation of the underlying archaeological remains
- The forensic archaeological excavation of the underlying burials dating between c.1300-1650
- The detailed archaeological recording of the historic wall and memorials
- Construction methodology designed to avoid disturbance to the post-1790 burials located within the current graveyard
- Ensure that the design of the rebuilt graveyard wall reflects closely that of the current historic wall and in particular the ensure reuse of historic fabric along inner (graveyard) elevation
- Ensure the conservation of the wall’s important historic memorials is undertaken during development and
- Minimise downs-takings thereby minimising impacts on historic wall and underlying burials and to ensure that the final design reflects the important heritage of the site.

Accordingly, having assessed the submitted application I’m happy to support the proposed designs for the wall in that, although it will incorporate new OLE poles and have addition openings these changes in my opinion will not have an adverse effect upon the character and setting of the historic kirkyard and Parish church. Similarly, the reuse of historic fabric in the new rebuilt wall will minimise any significant impact.

The proposals will also see the careful taking down and re-sighting of the important memorial stones constructed and affixed to the internal face of the graveyard wall. This work must be undertaken in reference and accordance with the submitted 2019 Conservation Report by Nic Boyes and the Deconstruction and Reinstatement methodology’s produced by Morrison Utilities Services in support of the application.

In addition, it is essential that a programme of archaeological works is undertaken prior to and during demolition and development, comprising excavation, historic building
It is recommended that this programme of works be secured using the following condition attached to both consents if granted:

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

The work must be carried out by professional archaeological and conservation organisations with responsibility for the execution and resourcing of the programme of archaeological and conservation works and for the archiving and appropriate level of publication of the results lying with the applicant.

HES comment

Our Advice

The current application concerns the taking down and replacement of the Category A listed kirkyard wall fronting Constitution Street. The wall dates from the early 1790s when Constitution Street was driven through the eastern part of South Leith Parish Churchyard. The original wall was built in random rubble, and appears to have been later raised, with an additional lined lime coating and architectural embellishment to the road side. This was later replicated in cement rich render.

Listed Building Consent was granted for the rebuilding of the wall in March 2012. In this scheme, by the architect Bob Heath, the graveyard-side was to be rebuilt in salvaged rubble stone and the street-side in concrete block, rendered with lime plaster mortar and lined to resemble the current treatment. The new street-side walling was to receive a stone cope, string course and cornice on the projecting features. Two new openings were to be created and these were to be infilled with cast iron railings to match the original pattern at South Leith Parish Church (see elevation onto both Constitution Street and Kirkgate).

We welcome the Conservation Assessment Report on the gates and the internal wall of the graveyard and its monuments. The detailed treatment to rebuild the internal wall using salvaged stone, repair and reset the monuments can form, as before, an element of the conditions.
However, regarding the new replacement wall facing Constitution Street, the current application contains far less detail, and appears to be of a lesser standard than that approved in 2012. Although we have no concerns with a reinforced concrete wall, we noted at the pre-application meeting that an embossed concrete finish to the wall was not appropriate, and that the standard of the previously approved scheme (lined lime plaster finish and stone cope, string and cornice) should be emulated.

Although the drawings show the replacement and replication of a stone cope, there is no further information or detail on how the new wall will be constructed, including the projecting rusticated features and no stone cornices or string courses are shown.

We would recommend additional details showing a lime-based render finish and stone detailing as before. This may mean some changes to the treatment of the reinforced concrete sub wall.

The drawings show 'new railings to match existing' but we would recommend that new cast iron railings to match the original churchyard pattern are provided, as with the 2012 application.

We have no concerns with the repositioning of the OLE poles on the top of the new wall.

We note that the walling - with its impervious cement coating - has moved and is in danger, meaning some remedial work would likely be necessary even without the tram works.

To conclude, we accept, as before, the need for the wall to be rebuilt, but do not support the diminution in quality of its proposed replacement. We would suggest that additional discussion and details are provided to guarantee the quality of the new build elements. There should be detailed conditions on the new railings and trial panels for render, stonework and monument repair and re-siting.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.
Location Plan

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

END
Wednesday 4 December 2019

Application for Planning Permission 19/04508/FUL
At 69 -71 Marionville Road, Edinburgh, EH7 6AQ
Demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping.

Summary
The proposal complies with the development plan. The development is acceptable in this location and the overall design concept draws upon the positive characteristics of the area. The development is acceptable in terms of its scale, form and design. There will be no unacceptable impact on residential amenity, road safety or air quality. The proposal is acceptable and there are no material considerations that outweigh this conclusion and approval is recommended.

Links

| Policies and guidance for this application | LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN09, LEN12, LEN16, LEMP09, LTRA02, LTRA03, NSG, NSGD02, NSHAFF, |
Application for Planning Permission 19/04508/FUL
At 69 -71 Marionville Road, Edinburgh, EH7 6AQ
Demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping.

Recommendations

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

Background

2.1 Site description

The site measures 0.8 hectares and is located on the west side of Marionville Road to the north of the railway line. The site is currently occupied by two vacant business premises, with an extended spur laid out as a car park running alongside the railway.

Access to the site is from Marionville Road, with an adjacent pathway providing access to Lochend Park to the north.

To the north-west of the application site is Lochend Park with the Lochend Butterfly development beyond and to the north-east is Marionville Court Care Home. To the east across Marionville Road is a residential area made up of bungalows. Further south is Meadowbank Stadium and to the south-west across the railway is a recent five storey Flatted development with a tenemental area beyond.

The wider surrounding area contains a diversity of uses, although the character is predominantly residential. The mix of uses, along with the varying ages of nearby buildings, has led to some variety in the density of development and architectural styles.

2.2 Site History

30 March 2006 - Planning permission refused for a residential development of 123 units (as amended) (application number: 05/01609/FUL). The application was refused as the proposal was overdevelopment of the site and was not acceptable in terms of its height, massing and its relationship with its wider surroundings. An appeal against the refusal of planning permission was dismissed on 4 April 2007 following a public inquiry (planning appeal reference: P/PPA/230/860).

1 May 2008 - Outline planning permission refused for the erection of residential units (application number: 07/05327/OUT).
10 November 2014 - Planning permission granted for the demolition of the existing business unit (use class 4), erection of new residential development (use class 9) comprising 34 residential flats with associated landscaping and enabling works (application number: 14/02089/FUL).

5 August 2019 - Planning permission refused for the demolition of two existing business class units and the erection of a new residential development of 120 units. Units are split over 4 apartment buildings, noted as Block A (East Block) Block B (South Block), Block C (West Block) and Block D (North Block), and a terrace of 10 mews houses. Application also concerns car parking, car port and associated landscaping (as amended) (application number: 18/10499/FUL). The application was refused on design and amenity grounds, in particular due to the height of Block D which was overbearing on that part of the park, overshadowed the open space for the care home and impacted significantly on the key view of Arthur’s Seat.

Main report

3.1 Description Of The Proposal

The proposal involves the demolition of the existing business units and erection of a residential development comprising 113 units over four apartment blocks and a mews terrace of 10 properties.

Block A is a five storey block comprising 18 one-bedroom; and four two-bedroom flats. Block B is a six storey block with basement comprising: five studio flats; nine one-bedroom flats; 11 two-bedroom flats; and two three-bedroom flats. Block C is a six storey block with basement comprising: four studio flats; eight one-bedroom flats; 11 two-bedroom flats; and three three-bedroom flats. Block D is a five storey block with comprising: five studio flats; five one-bedroom flats; 14 two-bedroom flats and four three-bedroom flats. The 10 mews properties all contain three-bedrooms.

The blocks will be sited around a podium deck with car parking located below at ground level. Car parking includes 68 spaces of which 49 will be provided under deck and 10 car port spaces for the mews (includes four accessible spaces and 10 electric charging point spaces). Nine street spaces are proposed (including one accessible space and two passive provision spaces for electric charging). Seven motorcycle spaces will be provided with five under deck and two on-street. Pedestrian, cycle and vehicular access points are at ground floor level. Bicycle storage is contained in the ground floor footprint of the blocks with direct access from building entrance cores and in Blocks A and D from the under deck car park. Space will be provided for a total of 230 cycles. Waste provision is catered for through bin stores located close to circulation cores with Blocks A and D having a combined bin store to allow for collection from the main access into the site.

In terms of sustainability, roof mounted solar PV and reduction of energy use through passive measures and building fabric design are proposed in order to deliver a development which meets the Silver Standard with respect to energy for space heating.
Materials are primarily blonde and brown facing brick with acid etched cast stone at ground floor to deck and entrances. Bronze anodised projecting balconies and railings are proposed with bronze tone double glazed windows. Dark toned roof tiles are proposed for the mews properties.

A total of 28 affordable units are to be provided on site (25%) with 22 being provided in block A by a Registered Social Landlord (RSL) with the remainder through golden share.

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:

- the principle of residential development is acceptable in this location;
- the layout, scale and design are appropriate;
- there will be any impact on residential amenity;
- the proposal will give rise to any transport or air quality issues;
- there are any issues in relation to flood prevention;
- there are any issues in relation to trees and landscaping;
- there are any ecological issues;
- the proposed development will be sustainable;
- there are any issues in relation to archaeology;
- there are any issues in relation to adjacent railway;
- there are any other infrastructure requirements; and
- any public comments have been addressed.
a) **Principle**

The application site is designated as urban area in the Edinburgh Local Development Plan (LDP). Policy Hou 1 (Housing Development) of the LDP permits housing development on sites within the urban area subject to the proposal being compatible with the other relevant policies.

**Loss of Existing Business Premises**

Policy Emp 9 (Employment Sites and Premises) of the LDP advises that proposals to redevelop employment sites or premises in the urban area will be permitted provided that they meet three criteria: a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use; b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area; and c) if the site is larger than one hectare, the proposal includes floorspace designed for a range of business users.

The surrounding area is predominantly residential and there are no nearby employment uses that would be inhibited by the redevelopment of the site for residential use. Therefore, the proposal complies with criteria a) of Emp 9.

In recent years the wider area around Lochend Park has undergone, and continues to undergo, significant change in terms of redevelopment and regeneration. The adjacent site to the east has been redeveloped with a care home, the former print works on the site across the rail line to the west has been redeveloped for residential use and, most significantly, the extensive regeneration of the Lochend Butterfly site across the park to the north. In addition, the regeneration of the former Meadowbank Stadium has recently begun to the south of the site.

The buildings currently occupying the site are of a functional design with limited architectural merit and no longer relate to their surroundings. The redevelopment of the site is an opportunity to introduce a more appropriate use and a more legible urban form into this space in compliance with criterion b).

The unit to the rear of the site has been vacant for over a decade, which is partly attributable to the area no longer being considered suitable for industrial uses. However, despite the loss of the existing business floorspace, the site is less than one hectare in size and criterion c) is not applicable.

Overall, the loss of the existing business units and the site’s redevelopment for residential use is acceptable.

**b) Design, Scale and Height**

In assessing the scale, design and layout of the proposals, there are design policies contained within the LDP, the Edinburgh Design Guidance and PAN 67 (Housing Quality).

Policies Des 1 to Des 8 of the LDP outline a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the
surrounding area, with the need for high quality design which is appropriate in terms of scale, form, design and layout.

Design

Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design, or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

PAN 67 (Housing Quality) states that development should reflect its setting and reflect local forms of building and materials. The aim should be to have houses looking unique without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

In assessing this proposal, the building fronting Marionville Road addresses the street by being set behind an area of landscaping in order to provide a sufficient level of privacy and amenity for the ground floor flats. This set-back is acceptable in principle, and still maintains a level of frontage to the road. The height of the building at five storeys along the frontage is higher than surrounding buildings on this side of the railway line, but the set-back allows for the building to sit comfortably within its setting without appearing incongruous.

High density development is encouraged on urban brownfield sites, Block D (the block to the north of the site facing the existing care home) would be approximately 2.5 metres taller than the care home to the north. In turn, the opposing block of the development, Block B, will be 2.85 metres higher than Block D. The provision of a step down in height from south to north reflects the height of the existing developments on either side of the site and helps the proposal to achieve a sustainable urban density while being sympathetic to its surroundings.

The principle of a strong urban edge to Lochend Park is acceptable. The prevailing character around the north-western perimeter of the park is of large scale blocks. This provides a good level of frontage and overlooking. Block D will be located alongside a narrow pedestrian footpath that runs between the site boundary and the curtilage of the care home. This edge provides an opportunity to create a new entrance to the park with windows and balconies on this elevation providing passive overlooking and a sense of security on what is currently a secluded pathway enclosed on either side with metal security fencing.

Block C, at the rear of the site, has a similar relationship with Lochend Park as the Lochend Butterfly site to the north. Consequently, the height of this elevation has been increased to address the wider park in the same way as the Butterfly development. The height of the proposal will not be as tall as the nearby residential blocks in the Butterfly development but will provide a positive urban edge that will help to enliven a currently unwelcoming corner of the park.
A mix of units is provided in the proposal, including 103 flats and 10 mews properties. Policy Hou 2 (Housing Mix) of the LDP seeks the provision of a mix of house types and sizes where practical. The Edinburgh Design Guidance recommends that 20% of the total units should have three or more bedrooms. Including the mews, the proposal contains 18 three bed properties which equates to 17%, which is below the recommended number. This is a marginal infringement of the guidance and does not justify the refusal of the application.

The materials are proposed to be facing brick with dark roof tiles and bronze coloured windows and balconies. Although there are no brick buildings within the vicinity, there is a range of materials including render, stone and timber. The materials are acceptable in principle.

The boundary treatment to the park will be a 1.2 metre high vertical bar fence that will provide a solid boundary but will not be imposing in terms of its appearance.

The overall design concept draws upon the positive characteristics of the area, as required under LDP policy Des 1 (Design Quality and Context). It also complies with the aims of PAN 67 as the proposal reflects the qualities and characteristics of the area.

**Scale and Height**

LDP Policy Des 4 (Development Design - Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to: height and form, scale and proportions, including the space between the buildings, position of the buildings and other features on the site, materials and detailing.

The site is adjacent to the former Powderhall rail link, which marks a clear change in character in the locality moving from high density tenemental developments to lower density bungalows, all of which provide a positive frontage onto Marionville Road. The development is located within the area to the north of the railway line where it is lower density. The existing care home building to the immediate north of the application site has less of a positive frontage to Marionville Road, but responds well to the topography of the site by having a lower prevailing building height and is set back to provide a landscaped frontage.

The proposed development seeks to reflect the set-back of the care home and the change in character by not immediately abutting the street. The development proposes an angled frontage and landscaping onto Marionville Road with Block A set further back to reduce its visual impact and to create a more coherent entrance to the park.

The scale and massing take cognisance of its surroundings and provides a step between the tenement area and the care home to reflect the local change in urban form and character. The proposed mews houses are of an appropriate design and make efficient use of the space on that part of the site.

In further assessing the height and scale of the proposal, policy Des 11 (Tall Buildings - Skyline and Key Views) of the LDP states that planning permission will only be granted for development which rises above the prevailing building height where the scale is
appropriate in its context and there would be no adverse impact on important views. The EDG contains a study of key views and skylines and identifies key view E9a as Arthur's Seat from Lochend Park upper level and Lochend Road South. The scale of the proposed development will have an impact on the lower section of the identified key view. However, the height of the development has considered the key view and views of the upper parts of Arthur's Seat will be retained.

Overall, the proposal is an acceptable scale and mass for an urban infill site. It will make a positive contribution to its surroundings and will preserve the key view from the upper level of the park. Therefore, the development complies with policies Des 4 and Des 11.

c) Amenity

LDP policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Amenity of Neighbours

A Daylight and Sunlight Assessment (DSA) has been submitted in support of the application. The DSA measures the impact of the development on the level of Vertical Sky Component (VSC) for the neighbouring developments. Of the neighbouring buildings evaluated, all residential elevations fully complied with the BRE guidance and the EDG in relation to the VSC.

A daylighting/shadow study has been submitted in support of the application. The study shows that the care home's garden area where it lies adjacent to the development will be overshadowed for part of the day. However, the care home has a larger garden area around its curtilage, and in particular has two well maintained central courtyard gardens. The increased area of overshadowing is not significant, particularly in the summer months, and the impact is acceptable.

The closest neighbour to the development will be the care home. The windows of the development will be approximately 24 metres from the care home at its nearest point. Similarly, the window to window distances to the properties on Marionville Road will be 35 metres, 45 metres to the flats on Dalgety Road from Block B and 28 metres from the flats on Dalgety Road to the mews properties. As a result, there are no issues in relation to privacy.

Amenity of Future Occupants

In terms of the amenity of future residents within the proposed development, daylight analysis has been submitted that demonstrates that all of the units will receive adequate daylight when assessed using the no skyline method. This is in compliance with the EDG.

Open space for the flats is provided in three separate areas: at the front of the site overlooking Marionville Road; the central courtyard deck; and at the north of the site adjacent to the gables of blocks C and D. The mews are given a separate area at the
east of the site. Across the site approximately 40% of the area will be provided as green space. This is in excess of 10 sq/m per flat and the minimum requirement for 20% open space across the development as specified in policy Hou 3.

The EDG advises that half the area of new garden spaces should be capable of receiving potential sunlight for more than three hours during the spring equinox. The DSA shows that the central landscaped courtyard will be significantly overshadowed for much of the day and at no point will more than 50% of the area receive sunlight at the spring equinox. In addition, the communal greenspace between the gables of blocks C and D will also receive inadequate sunlight. While some of the green spaces within the site will not receive sunlight in line with the guidance, the development is an appropriate urban form in this location and is in the immediate vicinity of Lochend Park. Residents of the development will not suffer from a lack of amenity due to the failure to comply with this part guidance and refusal of the application is not justified on this basis.

The EDG also includes recommended internal floor areas for flat sizes. All the units meet the minimum internal floor area requirements.

A Noise Impact Assessment (NIA) has been submitted in support of the application. Although the railway line is not currently operational, for the purposes of the NIA it has been modelled as if it were. The NIA makes a number of recommendations on façade construction and ventilation provisions to ensure that residential amenity will be protected. Environmental Protection has confirmed that the noise mitigation proposals are acceptable, subject to a suitable condition.

Overall, the proposal will provide adequate daylight to all new units within the development. In terms of sunlight, the area of overshadowing created by the building will affect the amenity of future residents in terms of its impact on the open space within the site. However, this impact is mitigated to some extent due to the site's location adjacent to Lochend Park. The area of overshadowing to the care home garden will not have an unacceptable impact on the amenity of the residents. There are no other amenity issues arising as a result of the development.

d) Transport and Air Quality

Transport

The two existing entrances to the site will be retained, one also serves as the pedestrian access to the park and the other will be the main vehicular access to the development. There will be a total of 68 car parking spaces provided on site, five of which will be spaces for disabled people, with a further seven spaces allocated for motorcycle parking. Policy Tra 2 (Private Car Parking) advises that lower provision will be pursued subject to a number of factors, including the site's accessibility and proximity to local amenities. The site is well located within convenient walking distance of bus stops, cycle routes and local amenities. Therefore, the level of car parking provided is adequate for a development of this nature and complies with Tra 2.

Parking for 49 vehicles will be provided in an enclosed car park at ground floor level, beneath the landscaped deck. The mews properties will be provided with a covered car port with space for 10 cars. The remainder of the spaces will be interspersed
throughout the development. The location of the car parking is acceptable and is in compliance with policy Tra 4 (Design of Off-Street Car and Cycle Parking).

A total of 230 cycle parking spaces will be provided within secure locations on the ground floor within the apartment blocks. The level of cycle parking provision is in compliance with policy Tra 3 (Cycle Parking).

Overall, the transport measures are acceptable and in accordance with LDP policy and guidance.

Air Quality

An Air Quality Impact Assessment (AQIA) has been submitted in support of the application. As part of the AQIA, dispersion modelling was undertaken to quantify existing pollutant concentrations at the site and to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the proposals.

Predicted impacts on NO2, PM10 and PM2.5 concentrations as a result of operational phase exhaust emissions were predicted to be negligible at all sensitive receptor locations considered. The overall significance of potential impacts was therefore determined to be not significant, in accordance with the Environmental Protection Scotland guidance.

e) Flood Prevention

A Flood Risk Assessment and a Surface Water Management Plan have been submitted in support of the application. The Council's Flood Prevention Team has confirmed that the proposed drainage and surface water management arrangements for the site are acceptable and will ensure compliance with policy Env 21 (Flood Protection).

f) Trees and Landscaping

The proposal includes the removal of a number of trees from within the site and in the southern corner of Lochend Park. In total, four trees will be removed from within the site and 13 trees from the park. The close planting of the trees has created a dense canopy and most display suppressed crown development. As a result, the trees to be removed have been ascribed as low or unsuitable retention category. Therefore, their loss is acceptable and complies with policy Env 12 (Trees). The Council's Parks and Greenspaces function has previously advised that the management of the trees in this area would be supported. However, the nature and extent of any works to the trees within the park will first require to be approved by Parks and Greenspaces and this will be controlled via a condition.

g) Ecological Issues

Policy Env 16 (Species Protection) advises that planning permission will not be granted for development that would have an adverse impact on species protected under law. The existing buildings on site are considered to have moderate potential to support roosting. Therefore, a bat roost emergence/re-entry survey was carried out in August and September 2018. The survey recorded no bats exiting or re-entering the buildings.
A Preliminary Ecological Appraisal has also been submitted in support of the application. Giant Hogweed was noted as being evident on site and it is recommended that, prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of giant hogweed on site.

No evidence of any other legally protected or notable species of conservation concern was noted during the survey. Consequently, any other such species is considered to be unlikely to be present on or in the vicinity of the site.

h) Sustainability

The applicant has completed a sustainability form in support of the application, which confirms that the following sustainability criteria have been achieved:

<table>
<thead>
<tr>
<th>Essential Criteria</th>
<th>Available</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1: Energy Needs</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Section 2: Water conservation</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Section 3: Surface water run off</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Section 4: Recycling</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Section 5: Materials</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Total points</td>
<td>80</td>
<td>80</td>
</tr>
</tbody>
</table>

In addition to the essential criteria, the applicant has provided a commitment to further sustainability measures, including the use of a roof mounted solar PV panels and achieving a silver or gold standard when assessed against building standards Section 7 (Sustainability).

The sustainability measures meet the requirements of policy Des 6 (Sustainable Buildings) of the LDP and the Edinburgh Design Guidance and are acceptable.

i) Archaeology

The site has been identified as occurring within an area of archaeological significance. Therefore, a condition will be required to ensure that no development takes place on site prior to a programme of archaeological works being undertaken.

j) Impact on the Railway

Network Rail has been consulted on the application and advised that they have no objections to the application subject to a condition requiring the provision of a 1.8 metre high fence adjacent to Network Rail's boundary.

k) Other Infrastructure Requirements
Affordable Housing

A total of 28 affordable units are to be provided on site with 22 units being provided by a Registered Social Landlord and located in block A. The remainder will be provided through golden share/shared equity within the other blocks. The precise location of these units is to be agreed. The affordable housing units will be subject to a legal agreement.

Communities and Families

This site falls within the 'Leith Trinity Education Contribution Zone' of the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The impact of the proposed development on the identified education infrastructure actions and current delivery programme has been assessed, as set out in the guidance. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that are anticipated should the proposal progress.

The proposed development is therefore required to make a contribution towards the delivery of these actions.

The required contribution should be based on the established contribution figures of £980 per flat and £6,536 per house (indexed to the date of payment). This equates to a total education contribution of £113,380 for the proposed 49 flats (discounting studios and 1 beds) and 10 mews. The contributions will be sought via a legal agreement.

Primary Healthcare

This site falls within the 'Brunton Health Care Zone' of the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The impact of the proposed development on the identified primary healthcare infrastructure actions and current delivery programme has been assessed, as set out in the guidance.

The required contribution is based on the established contribution figure of £945 per dwelling (indexed to the date of payment). This equates to a total primary healthcare contribution of £106,785 for the proposed 113 units. The contributions will be sought via a legal agreement.

I) Public Comments

Material objections
• The development is too tall - assessed in section - 3.3(b);
• The proposal will block light to neighbouring residential properties - assessed in section - 3.3(c);
• The proposal will block light to the neighbouring care home - assessed in section - 3.3(c);
• The development has a slab-like frontage - assessed in section - 3.3(b);
• Impact on the privacy of properties on Dalgety Road - assessed in section - 3.3(c);
• Not adequate space for the mews houses - assessed in section - 3.3(b);
• Mews houses will be detrimentally impacted if the railway is reinstated - assessed in section - 3.3(c); and
• Impact on local wildlife - assessed in section - 3.3(g).

CONCLUSION

The proposal complies with the development plan. The development is acceptable in this location and the overall design concept draws upon the positive characteristics of the area. The development is acceptable in terms of its scale, form and design. There will be no unacceptable impact on residential amenity, road safety or air quality. The proposal is acceptable and there are no material considerations that outweigh this conclusion and approval is recommended.

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

3.4 Conditions/reasons/informatives

1. No development shall take place until, a detailed landscaping plan which will include the management of the trees within Lochend Park and any necessary compensatory planting will be submitted and approved by the planning authority in consultation with the Council’s Parks and Greenspaces function.

2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

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.

4. Prior to the commencement of development, details of a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail’s boundary and provision for the fence’s future maintenance and renewal will be submitted and approved by the planning authority.

The approved fence will be fully implemented prior to the first occupation of the development.

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

6. 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.

7. The following noise protection measures to the proposed development as defined in the Acoustic Consultant Limited report (Ref 7530), dated September 2019:

- Glazing units with a minimum insulation value of 4mm/12mm/6mm double glazing shall be installed for the external doors and windows Block A (façade B), Block B (Façade C & D), Block C (Façade G), and Block D (Façade E).

- Glazing units with a minimum insulation value of 4mm/16mm/6mm double glazing shall be installed for the external doors and windows of Block A (Façade A).

- Glazing units with a minimum insulation value of 10mm/16mm/8.4mm double glazing shall be installed for the external glazing to Block ‘Mews’ (façade J).

- Ventilators with a minimum sound insulation value of 30Db new shall be installed for the externals of Block A (Façade B), Block B (Façade D) and Block C (Façade G).

- Ventilators with a minimum sound insulation value of 32Db new shall be installed for the externals of Block D Façade E.

- Ventilators with a minimum sound insulation value of 37Db new shall be installed for the externals of Block B Façade C.

- Ventilators with a minimum sound insulation value of 40Db new shall be installed for the externals of Block A (façade A) and Block ‘Mews’ (Façade J).

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

Reasons:

1. The approved landscaping scheme, including works to the trees within Lochend Park, shall be fully implemented within six months of the completion of the development.

2. In order to ensure that the approved landscaping works are properly established on site.

3. In order to enable the planning authority to consider this/these matter/s in detail.

4. In the interests of public safety and the protection of Network Rail infrastructure.

5. In order to safeguard the interests of archaeological heritage.
6. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

7. In order to protect the amenity of the occupiers of the development.

Informatives

It should be noted that:

1. LEGAL AGREEMENT: Permission shall not be issued until a suitable legal agreement has been concluded to ensure relevant financial contributions are made toward local schools and healthcare provision. The agreement shall also cover affordable housing provision.

   The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. 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.

4. 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.

5. The applicant will be required to contribute:
   a. the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
   b. the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
   c. the sum of £2,000 to promote a suitable order to introduce a 20mph 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.

6. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of a car club vehicle in the vicinity of the site. A contribution the sum of £5,500 per car and £1,500 per order would be required. This does not require to be included in any legal agreement.

7. 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. It is expected that the mews access will be included as a ‘footway’
under the Road Construction Consent and will be constructed to carriageway standard
to accommodate emergency service vehicles.

8. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of
Road Construction Consent including Stage 2 Road Safety Audit and Designer’s
Response.

9. A draft travel plan is set out in the submitted Transport Assessment. The applicant
should consider developing including provision of pedal cycles (inc. electric cycles),
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.

10. 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.

11. Any parking spaces adjacent to the carriageway will normally be expected to form
part of any road construction consent. The applicant must be informed that any such
proposed 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
as part of any sale of land or property.

12. It is noted that the proposed mews parking is under a canopy in close proximity to
the proposed carriageway. The applicant should note that any canopy or similar
structure must be a 0.5m in from the carriageway edge.

13. 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.

14. The developer must submit a maintenance schedule for the SUDS infrastructure for
the approval of the Planning Authority. It is understood that underground attenuation /
storage is proposed for the site. The applicant should note that neither the Council or
Scottish Water are likely to accept maintenance responsibility for such infrastructure
and that the maintenance responsibility should be clearly identified.
15. It is noted in the Waterco Flood Risk Assessment & Drainage Review that drainage assets are intended to be adopted by Scottish Water. Agreement should be obtained from Scottish Water with regard to the design and that they are willing to adopt this infrastructure prior to start of construction works.

16. Clearance of vegetation and or structures from the proposed construction area has the potential to disturb nesting birds; therefore, clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed (no more than 48 hours prior to works) by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

17. As a precaution during demolition works, operatives should be made aware of the potential of the buildings to harbour bat roosts and should stop works immediately and contact a suitably qualified ecologist if any bats are seen entering or exiting the buildings.

18. Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

19. Network Rail recommends that all buildings should be situated at least 2 metres from the railway boundary. The applicant must ensure that the construction and subsequent maintenance of any proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

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

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

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

21. All residential parking spaces highlighted as Electric Vehicle spaces on ground floor and lower ground floor drawings shall be served by a minimum 7Kw (32amp) Type 2...
electric vehicle charging socket. This shall be installed and operational in full prior to the development being occupied. As per Drawing numbers (PL)008 & (PL) 008 both dated 16/09/2019.

22. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

23. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

24. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

25. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

26. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

27. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

28. This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

29. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme.
Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 30 September 2019. A total of eight objections and one neutral comment were received from members of the public.

A summary of the comments is contained in the assessment.
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 designated as urban area in the Edinburgh Local Development Plan.

**Date registered**

23 September 2019

**Drawing numbers/Scheme**

01 - 44, Scheme 1

---

**David R. Leslie**  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Alexander Gudgeon, Planning officer  
E-mail: alexander.gudgeon@edinburgh.gov.uk  
Tel: 0131 529 6126

**Links - Policies**

**Relevant Policies:**

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

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

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 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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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

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

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

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

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.
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.

Non-statutory guidelines: on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.
Application for Planning Permission 19/04508/FUL
At 69-71 Marionville Road, Edinburgh, EH7 6AQ
Demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping.

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of two existing business class units and the erection of a new residential development of 125 units. Units are split over 4 apartment buildings, noted as Block A (East Block) Block B (South Block), Block C (West Block) and Block D (North Block), and a terrace of 10 mews houses. Application also concerns car parking, car port and associated landscaping.

The site lies across the southern end of Lochend Park centred upon the historic Lochend Loch and the historic landscape surrounding Restalrig House situated on a high ground overlooking the eastern side of the Loch. Lochend Loch appears to have been formed after the last Ice Age and has been a focus for settlement and activity since this period. Historic mapping indicates that the current loch has been infilled since the 19th century to form the current park. The discovery of deep peat deposits from boreholes undertaken on this site in 2004 by Holequest indicates that historically the Loch appears to have extender under the western part of the application site, with the business units potentially overlying its shore.

Accordingly, this site has been identified as occurring within an area of archaeological historic and archaeological significance. This application must be considered therefore under terms the 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 results from the 2004 geotechnical bore holing have demonstrated that the site overlies historic peat deposits formed during the natural infilling of the Loch in prehistory. Such deposits are archaeologically important as they can provide significant information regarding historic environmental changes and land uses going back into prehistory, perhaps as far back as the last Ice-Age c. 12,000BC. In addition, it is possible that later archaeological deposits may have survived on site associated with the use of the nearby Restalrig Estate.
It is recommended that prior to development that a programme of archaeological works is undertaken to, record, analyse and date these Palaeo-loch deposits and any associated deposits. It is recommended that the following condition is attached to ensure the undertaking of this required programme of archaeological works:

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis and 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.

**Affordable Housing**

1. Introduction

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

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

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

- This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

2. Affordable Housing Provision

This application is for a development consisting of 113 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council:

- The tenure of the affordable housing must be agreed by the Council and;
- The Council will identify the Registered Social Landlord(s) (RSLs) to take forward the affordable homes and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that onsite affordable housing for an RSL will account for 22 of the required affordable homes to be provided on site. The remainder will come forward as Golden Share housing.

Based upon discussion with the developer and the RSL, this department is satisfied the integration of on-site affordable housing provision within the development was
incorporated from an early stage of the design process. Early discussions with the RSL, Places for People shaped the decisions taken within the proposals. The site is located close to transport networks and health facilities and Places for People have therefore proposed to deliver housing for older people.

Accessibility generally and access to Block A in particular was a key requirement. The positioning of Block A will provide easy access to public transport and local amenities. This block would offer level access for the residents from Marionville Road. This would not be possible for Blocks B and C as the entrance to these buildings is located a full storey lower than Marionville Road.

The housing department requested that the applicant look again at their designs to incorporate all affordable housing for an RSL and to do that within a single block.

Dandara tried to fit all of the AH in one block, but for various reasons (outlined in a submitted 030519 CDA AH Design Statement PDF attached) this wasn’t possible. Largely due to the topography, surrounding heights, and irregular shape of the site.

For the balance, the remaining homes are likely to be provided as a Golden Share housing, dependent upon sales values at the time of completion. A valuation report by Rettie has indicated that Golden Share will be viable at this location at the time of completion.

Despite the mixture of provision, the majority will be housing for older people for an RSL and because of this, the proposals are supported by this department.

The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.

3. Summary

The applicant has made a commitment to provide 25% affordable housing, with 22 homes for older people to be provided on-site and the remaining as golden share and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

- The applicant is requested to enter into an early dialogue with the Council who will identify Registered Social Landlord(s) (RSLs) to deliver the affordable housing
- The tenure of the affordable housing must be agreed with the Council
- The affordable housing must include a variety of house types and sizes to reflect the provision of homes across the wider site
- All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards
- In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"
The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Communities and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 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 finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements
Assessment based on:
10 Houses
49 Flats (54 one bedroom / studio flats excluded)

This site falls within Sub-Area LT-1 of the 'Leith Trinity Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions 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:
£113,380

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.
Economic Development

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 19/04508/FUL for the development of 113 residential units at 69-71 Marionville Road, Edinburgh.

The application relates to a 0.80-hectare site bounded by Lochend Park and Marionville Court care home to the north; Marionville Road to the east; a railway line and substation to the south; and Lochend Park to the west. The site is currently occupied by two adjoining industrial buildings totalling 4,390 sqm (gross). The buildings have been used for multiple different purposes, most recently as a warehouse and tai chi centre respectively. The site also includes a strip of hardstanding land used for parking.

The potential economic impact of the existing buildings can be estimated. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that industrial and manufacturing buildings support on average one full-time equivalent employee per 36 sqm (gross). This suggests that the existing buildings could be expected to directly support approximately 122 FTE jobs if fully occupied (4,390 / 36). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the manufacturing sector in Edinburgh is £56,344 per employee (2017 prices). This suggests that the existing buildings could be expected to add approximately £6.87 million of gross value added to the economy of Edinburgh per annum (2017 prices) if fully occupied (£56,344 x 122). It is recognised that the buildings have in recent years not been used intensively and have been used for lower-value uses such as storage.

There are pressures on the supply of industrial space in Edinburgh due to an ongoing loss of space to alternative uses and a weak development pipeline. However, it is recognised that the units in question are of advanced age. The proximity to the care home that has been developed to the north means that this area is unlikely to be suitable for industrial activities, while the site is not strategically located in terms of access to the motorway network. The surrounding area is dominated by residential uses along with Meadowbank Sports Centre. The net loss of employment space is nonetheless unfortunate; however, as the site is below one hectare, policy EMP 9 of the Local Development Plan applies, and there is therefore no requirement for additional class 4 space to be provided as part of the redevelopment.

Commentary on proposed uses the application proposes the clearance of the existing site and its comprehensive redevelopment to deliver four blocks of five-seven storeys containing a total of 103 flats, along with a row of 10 mews houses.

- Class 9 - Houses / Sui generis - Flats The development as proposed would deliver 113 houses and flats. These would not be expected to directly support any economic activity. However, the units could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 113 houses and flats could be expected to collectively spend approximately £2.89 million per annum. Of this £2.89 million, it is estimated that approximately £1.49 million could reasonably be expected to primarily be made within Edinburgh. This £1.49 million could be expected to directly support approximately 13 FTE jobs and £0.48 million of GVA per annum (2017 prices), primarily in the hospitality and retail sectors.
Overall economic impact the development as proposed would result in the loss of two industrial buildings totalling 4,390 sqm (gross). It is estimated that the total economic impact of these buildings if fully occupied for industrial/manufacturing purposes would be approximately 122 FTE jobs and £6.87 million of GVA per annum (2017 prices).

The development as proposed would not be expected to directly support any jobs, but it is estimated that it could support approximately 13 FTE jobs and £0.48 million of GVA per annum (2017 prices) via the impact of household expenditure.

Other considerations The site abuts the now disused railway line leading to the Powderhall Waste Transfer Station. There are proposals to convert this railway line into a cycle path, and there may be scope in future for the site to link to this.

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the proposed development would support approximately 13 FTE jobs and £0.48 million of GVA per annum (2016 prices) via the impact of household expenditure. By comparison, it is estimated that the current buildings on the site could, if fully occupied for industrial/manufacturing uses, support approximately 122 FTE jobs and £6.87 million of GVA per annum (2017 prices).

The loss of 4,390 sqm employment space with no replacement space provided is regrettable. However, it is recognised that the buildings in question are of advanced age and in an area unsuited for industrial uses and that, as the site in question is below one hectare, policy EMP 9 of the Local Development Plan does not apply.

This response is made on behalf of Economic Development.

Edinburgh Urban Design Panel

1 Recommendations

The Panel recognised that the proposals were at an early stage in the design process and welcomed the opportunity to review them at this juncture.

In developing the proposals, the Panel suggested the following matters be considered:

- Land use, density and mix;
- Layout, design, scale, and amenity;
- Public realm and landscaping;
- Access, parking and servicing;
- Materials;
- Sustainability;
- Safety and security; and
- Views.
2 Introduction

It is anticipated that an application will be submitted for full planning permission for the demolition of the existing structures on the site and the erection of a residential development at 69-71 Marionville Road, EH7 6AQ.

The site measures 0.8 hectares and is located on the west side of Marionville Road to the north of the railway line. The site is currently occupied by two vacant business premises with an extended spur laid out as a car park running alongside the railway.

Access to the site is from Marionville Road with an adjacent pathway providing access to Lochend Park to the north.

To the north and west of the application site is Lochend Park and to the north-east is Marionville Court Care Home. To the east across Marionville Road is a residential area made up of bungalows. Further south is Meadowbank Stadium and to the south-west across the railway is a recent five storey flatted development with a tenemental area beyond. The wider area contains a diversity of uses, although the character is predominantly residential.

This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.

No declarations of interest were made by the Panel.

3 Planning Context

The site is located within the urban area as identified in the Edinburgh Local Development Plan (LDP). The development will have to ensure compliance with the relevant policies of the LDP.

Relevant planning history for this site is set out as follows:

10 November 2014 - Planning permission granted for demolition of existing business unit (use class 4), erection of new residential development (use class 9) comprising 34 residential flats with associated landscaping and enabling works (application number: 14/02089/FUL).

1 May 2008 - Outline planning permission refused for the erection of residential units (application number: 07/05327/OUT).

30 March 2006 - Planning permission refused for a residential development (as amended) (application number: 05/01609/FUL). Appeal dismissed on 4 April 2007.

4 Panel Comments

The Panel welcomed the opportunity to review the proposals and acknowledged that they are at an early stage in the design process.
Land Use, Density and Mix

The Panel agreed that this is an appropriate site for housing subject to careful design.

The Panel noted that the proposed density is similar to the previously refused application for 123 residential units (application number: 05/01609/FUL). The Panel agreed that the proposal’s impact on the environment and its relationship to the wider context needs to be carefully considered to ensure that it does not result in overdevelopment.

The Panel raised concerns about the separation of the affordable and market housing and urged the design team to explore mixing the tenures across the site to promote greater social inclusion. The Panel agreed that if this cannot be achieved, ensuring that the housing is tenure-blind will be critical.

Layout, Design, Scale and Amenity

The Panel agreed that the site constraints and topography should be used to inform the proposal.

The Panel stated that the proposed layout appears fragmented, particularly with regard to the two flatted blocks. The Panel emphasised that social interaction across the site should be maximised through a more coherent design. The Panel agreed that the buildings and spaces should talk to each other which would assist in creating a sense of place. The Panel suggested that the two flatted blocks could be reoriented so that they face onto a shared communal space.

The Panel did not support the emerging height and mass of the flatted blocks and were in agreement that they appeared to be too large and therefore out of context with this part of the street particularly in relationship to the adjacent bungalows. The Panel acknowledged that articulation in the design of the blocks could assist in reducing their bulkiness but strongly recommended that the height of the blocks be reduced.

The Panel suggested that design cues for the buildings could be taken from the old printing works previously situated on the site.

The Panel was keen for the design team to explore ways to articulate the roofscapes, which could include the incorporation of roof terraces.

The Panel raised concerns about the proximity of the mews houses to the railway due to the potential adverse impacts on residential amenity, particularly from vibrations and noise. The Panel stated that due to the limited width of this part of site and the potential requirement for acoustic fencing, the quality and size of the gardens are likely to be quite poor. The Panel noted that the use of toxic herbicides on the railway tracks may also be an issue and this should be investigated in relation to air quality.

The Panel emphasised the importance of considering the microclimate created by the positioning and orientation of the buildings. This concern was raised particularly in relation to impacts of overshadowing of amenity space from the buildings and from prevailing winds, and also on the level of daylight and sunlight into flats. The Panel agreed that spaces should be orientated to receive maximum sunlight and daylight with shelter provided from surrounding buildings.
The Panel suggested that the proposal should incorporate a higher proportion of dual aspect flats to improve amenity for future residents. The Panel also raised concern about the daylight, sunlight and privacy of the flats facing into the courtyard within the U-shaped block and urged the design team to explore the reconfiguration of this block to maximise amenity.

Public Realm and Landscaping

The Panel felt strongly that the public realm and landscaping should facilitate social interaction, permeability and coherence across the development. The Panel recognised the challenges of the site’s topography and were keen for the design team to explore creative ways to form useable space which is accessible to all.

The Panel welcomed the proposal to connect into Lochend Park. The Panel proposed that instead of using the narrow strip of land adjacent to the park for mews housing, it could be used for allotments or another type of landscaped space. This arrangement may create greater opportunities to enhance permeability into the park and bring the character of the park into the site. Planting on this part of the site would also provide a natural buffer to the railway.

Whilst it was acknowledged that the park is out with the site boundary, the Panel was keen for a Tree Management Plan to be created which includes the existing park trees. The park trees add character and containment to the site and should be enhanced where possible.

The Panel was concerned about the raised deck courtyard with undercroft car parking associated with the U-shaped block. The Panel felt that this could result in an inactive ground level and separation of a key communal space from the rest of the development. Alternative solutions should therefore be explored.

The Panel suggested that the northern boundary adjacent to the care home could be strengthened with tree planting to enhance the containment of the site in this area.

Access, Parking and Servicing

The Panel was concerned that the development appeared to be car-dominated resulting mainly from the proposed vehicle circulation, which would take traffic through the site. It advised that going forward, the proposal should focus on facilitating ‘street life’ with pedestrian priority then cycle access above the movement and parking of cars. An assessment of the wider context including links to public transport should be undertaken which may help to justify a reduction in car parking.

The Panel considered that the width of the splay on the site’s north-western access could be reduced to improve the quality of the pedestrian experience. It was acknowledged that the levels are challenging in relation to access into the site and the Panel suggested that it would be useful to explore alternatives. This may subsequently result in a reconfigured and increased provision of open space.
The Panel was keen to ensure that the circulation/turning of vehicles does not prejudice pedestrian or cyclist safety. The waste management strategy should be defined at an early stage to avoid any conflicts, especially due to the level changes.

Materials

The Panel suggested that materials could be informed by the site's history in relation to the old printing works.

Safety and Security

The Panel advocated early engagement with Police Scotland regarding site security and the incorporation of Secure by Design principles. Particular concern was raised about the safety and security of the undercroft parking.

Sustainability

The Panel encouraged the design team to adopt BREEAM standards set out for residential developments. The Panel suggested that some of the design constraints could be resolved by applying the BREEAM standards.

Views

The Panel agreed that further assessment was needed on the proposal's impact on key views.

Environmental Protection

The applicant proposes developing 113 residential units over 4 apartment buildings and a terrace of mews houses with associated infrastructure and 76 proposed parking spaces. Environmental Protection have made comment on a very similar proposal without object subject to conditions (18/10499/FUL).

Commercial/industrial buildings currently occupy the site. The proposal for the buildings to be demolished. The site is within a mixed used area with residential dwellings to the north east, the Lochend Youth Football Club to the north, Marionville Road to the east, and the disused Powderhall railway line within a cutting to the south.

The applicant has submitted a supporting noise and air quality impact assessment. The noise impact assessment has identified that noise mitigation measures will be required to ensure satisfactory internal noise levels can be achieved. Conditions will be recommended regarding the required acoustic glazing and trickle vents.

The applicants air quality impact assessment has identified that construction phase mitigation will be required to protect neighbouring residents. Due to the relative short time period of construction Environmental Protection shall recommend an informative is attached to any consent. It is also noted that the applicant is proposing 76 car parking spaces which is a small increase from the existing use (72 spaces). Environmental Protection would strongly recommend that the applicant includes a provision for electric vehicle charging points at least in accordance with the Edinburgh Design Standards which would equate to 13 electric vehicle charging points being installed. The minimum
the standard of charger that should be installed would be 7Kw (32 amp) Type 2 charger. The applicant has highlighted where the spaces will be allocated on the lower ground floor and ground floor plans. Environmental Protection shall recommend a condition is attached to ensure these are installed. Environmental Protection would recommend that all other spaces have charging points installed.

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).

Therefore, Environmental Protection offer no objection subject to the following conditions;

Conditions

1. 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 Acoustic Consultant Limited report (Ref 7530), dated September 2019:

- Glazing units with a minimum insulation value of 4mm/12mm/6mm double glazing shall be installed for the external doors and windows Block A (façade B), Block B (Façade C & D), Block C (Façade G), and Block D (Façade E).

- Glazing units with a minimum insulation value of 4mm/16mm/6mm double glazing shall be installed for the external doors and windows of Block A (Façade A).
- Glazing units with a minimum insulation value of 10mm/16mm/8.4mm double glazing shall be installed for the external glazing to Block ‘Mews’ (façade J).

- Ventilators with a minimum sound insulation value of 30Db new shall be installed for the externals of Block A (Façade B), Block B (Façade D) and Block C (Façade G).

- Ventilators with a minimum sound insulation value of 32Db new shall be installed for the externals of Block D Façade E.

- Ventilators with a minimum sound insulation value of 37Db new shall be installed for the externals of Block B Façade C.

- Ventilators with a minimum sound insulation value of 40Db new shall be installed for the externals of Block A (façade A) and Block ‘Mews’ (Façade J).

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

3. All residential parking spaces highlighted as Electric Vehicle spaces on ground floor and lower ground floor drawings shall be served by a minimum 7Kw (32amp) Type 2 electric vehicle charging socket. This shall be installed and operational in full prior to the development being occupied. As per Drawing numbers (PL)008 & (PL) 008 both dated 16/09/2019.

Informative

a) The applicant should install at least thirteen 7Kw (32amp) Type 2 electric vehicle charging points.

b) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

c) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

d) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

e) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

f) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
g) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

h) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

i) No bonfires shall be permitted.

**Flood Prevention**

1. The certificates received have been split below, with Dandara listed as the author on the SWMP and no checker on the FRA. Please can these be revised and resubmitted.

   Certificate A1 Drainage Strategy - Received from Dandara and accepted.
   Certificate B1 Drainage Strategy - Received from Waterco and accepted.

   Certificate A1 FRA - Received from Waterco and accepted
   Certificate B1 FRA - Still outstanding

2. It is noted in the Waterco Flood Risk Assessment & Drainage Review that drainage assets are intended to be adopted by Scottish Water. Agreement should be obtained from Scottish Water with regard to the design and that they are willing to adopt this infrastructure prior to start of construction works.

3. It has not been explicitly stated how the 92.467m³ identified as flooding in the Dandara Causeway Flow Design report has been addressed. I note that the storage volume has been increased from ~120m³ to ~192m³. The applicant should confirm if the increase in volume overcomes the flooding issue identified in the Dandara report.

**Network Rail**

Thank you for consulting Network Rail regarding the above development.

Whilst Network Rail has no issues with the principle of the proposed development, we would have to object to the proposal unless the following conditions were attached to the planning permission, if the Council is minded to grant the application:

1. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

   **Reasons:** In the interests of public safety and the protection of Network Rail infrastructure.

   Network Rail would also recommend that the following matters are taken into account and are included as advisory notes, if granting the application:
Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

Network Rail recommends that all buildings should be situated at least 2 metres from the railway boundary. The applicant must ensure that the construction and subsequent maintenance of any proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

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

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

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW  
Tel: 0141 555 4352  
E-mail: AssetProtectionScotland@networkrail.co.uk

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Roads Authority Issues

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:
   a. the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
   b. the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
   c. the sum of £2,000 to promote a suitable order to introduce a 20mph 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;
2. In support of the Council’s LTS Cars1 policy, the applicant should consider the provision of a car club vehicle in the vicinity of the site. A contribution the sum of £5,500 per car and £1,500 per order would be required. This does not require to be included in any legal agreement;

3. 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. It is expected that the mews access will be included as a ‘footway’ under the Road Construction Consent and will be constructed to carriageway standard to accommodate emergency service vehicles;

4. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent including Stage 2 Road Safety Audit and Designer’s Response;

5. A draft travel plan is set out in the submitted Transport Assessment. The applicant should consider developing including provision of pedal cycles (inc. electric cycles), 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;

6. 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;

7. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed 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 as part of any sale of land or property;

8. It is noted that the proposed mews parking is under a canopy in close proximity to the proposed carriageway. The applicant should note that any canopy or similar structure must be a 0.5m in from the carriageway edge;

9. 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;

10. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority. It is understood that underground attenuation / storage is proposed for the site. The applicant should note that neither the Council or Scottish Water are likely to accept maintenance responsibility for such infrastructure and that the maintenance responsibility should be clearly identified.
Note:

i. **Current Council parking standards permit up to 1 car space per unit for residential development in this area, Zone 2.** The proposed parking provision is considered acceptable and includes:
   - A total of 68 car parking spaces (including 49 undercroft, 9 on-street, 10 off-street mews spaces);
   - 12 electric charging points;
   - 6 disabled spaces;
   - 5 motorcycle spaces;

ii. A total of 230 cycle parking spaces are provided within secure and undercover locations within the blocks;

iii. No specific cycle parking is provided for the 10 mews units with storage expected to be within the properties;

iv. The existing access to Lochend Park at the north western edge of the site is considered adequate for links into the local cycle and pedestrian network.

**Waste Services**

All items are conforming with our discussions and I will issue the 1st part of our waste strategy agreement to allow planning to go ahead.

Please ensure the builder/developer is provided with the updated agreement and a copy of our instruction for architects guidance for their perusal.

Please inform them that a second part agreement will be issued prior to completion of the site (relevant to collections) and all access roads being accessible.

This will consist of a site visit to ensure all the requirements have been installed as per our agreement and it is considered safe for waste collections to proceed.

**Location Plan**

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

END
Application for Planning Permission 19/02616/FUL
at Land 100 Metres East Of 53, Burdiehouse Road, Edinburgh.
Residential development 116 dwellings and associated landscaping and infrastructure (as amended).

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the setting of the listed building and provide a positive outcome for the development of the listed building.

The proposal complies with the Local Development Plan Site Brief for Broomhills, Burdiehouse and Lang Loan and will provide 116 residential units including 30 affordable homes in the south east of Edinburgh. The proposal will provide public open space along with pedestrian and cycle connections to the wider area. The proposed development is of an acceptable design, scale and layout and is acceptable in terms of amenity, access, cycle and car parking.

The proposal complies with the adopted Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.
<table>
<thead>
<tr>
<th>Links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policies and guidance for this application</td>
</tr>
<tr>
<td>LDPP, LDELO1, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN08, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA01, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LTRA09, LTRA10, SUPP, SGDC, NSG, NSGD02, NSHAFF</td>
</tr>
</tbody>
</table>
Application for Planning Permission 19/02616/FUL at Land 100 Metres East Of 53, Burdiehouse Road, Edinburgh.
Residential development 116 dwellings and associated landscaping and infrastructure (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 is approximately 6.82 hectares comprising two separate development areas both located east of Burdiehouse Road.

Area A (1.02 hectares) is an existing SUDS area established for the previous Burdiehouse residential development lying to the south of Burdiehouse Burn. It is bounded by existing trees and Burdiehouse Road to the west, the Burdiehouse Valley Park and Burdiehouse Burn to the north, the residential property of 49 Burdiehouse Road to the north east, and newly built housing at Burdiehouse to the south east.

Area B (5.8 hectares) is predominantly open landscape, with the exception of an area of young woodland planting and shrubs associated with an area of new housing at Burdiehouse which bounds the site to the north. The site slopes approximately 10 metres up from the northern boundary to the southern Lang Loan boundary which has an existing vehicle access. Category B listed limekilns (Number 28159, listed on 14 December 1970) are located immediately to the north west. To the north east is woodland surrounding The Murrays, an existing residential development built in the 1990s. The eastern boundary consists of existing woodland, partially covered by Tree Preservation Order (TPO 13, preserved on 13 June 1962), beyond which lies the West Edge Farm housing development. Lang Loan is to the south and farmland, including overhead powerlines, is to the south west. The south eastern boundary of Area B fronts onto Lang Loan. The south-western boundary is farmland with overhead powerlines located across it. The A720 city bypass is approximately 228 metres to the south.

The site is served by public transport routes as it lies in proximity of a main transport corridor into the city (the A701). There is retail provision in the form of local shops at Broomhills approximately 567 metres to the west on Burdiehouse Road. Larger retail units are located within the Straiton Retail Park, approximately 597 metres to the south (from the closest point of the site).
2.2 Site History

13 January 2016 - Proposal of Application Notice submitted for residential development and associated landscape and infrastructure (planning application 15/05877/PAN).

9 December 2016 - planning application submitted for planning permission in principle for residential development, a local convenience store (Class 1), associated landscape, access and infrastructure (planning application 16/06036/PPP).

12 October 2018 - Proposal of Application Notice submitted for full planning permission (major) for residential development and associated landscape and infrastructure (planning application 18/08834/PAN).

Relevant applications within the area including the neighbouring Burdiehouse residential development:

22 September 2010 - planning permission in principle was refused for residential development (including affordable housing provision), open space and access junction and road alignment (application reference number: 10/01185/PPP) at land 196 metres south of 49 Burdiehouse Road, Edinburgh.

10 February 2012 - the above planning permission in principle was granted on appeal (appeal reference: PPA230-2047).

Following the appeal decision, the site was allocated for residential development within the first proposed Local Development Plan, including the areas of land previously proposed to be covered by tree planting as shown in the PPP parameters plan.

30 May 2013 - permission granted for approval of matters specified in conditions of PPA230-2047 in respect of access road (application number 13/00273/AMC).

14 June 2013 - permission granted for a section 42 application to vary condition 1 of 10/01185/PPP to increase the maximum building heights (application number 13/00673/FUL).

14 June 2013 - permission minded to grant subject to legal agreement for a section 42 application to vary condition 1 of 10/01185/PPP to modify the structural planting (application number 13/00944/FUL). This permission is subject to a legal agreement covering safe vehicular access to Burdiehouse Road, transport contributions, education contributions, affordable housing and a landscape maintenance bond.

14 June 2013 - planning permission granted for approval of matters specified in conditions of 10/01185/PPP for residential development of 122 houses and flats (application number 12/04385/AMC).

17 April 2013 - planning permission refused for a petrol filling station and electric vehicular charging station, including ancillary shop on adjacent land fronting Burdiehouse Road. Refused at appeal (application number 13/01259/PPP).
Main report

3.1 Description of the Proposal

The proposal is for full planning permission for a residential development of 116 units, structural planting, public open space and associated landscaping, vehicular access from Lang Loan and the provision of sustainable urban drainage attenuation basin and associated drainage infrastructure. As referenced in the site description, the application site consists of two separate areas, Area A and Area B.

In Area A, it is proposed to extend and increase in depth an existing SUDS area established for the previous Burdiehouse residential development to meet the drainage requirements of the proposed development. Two pedestrian and cycle path connections would be provided connecting through Area A to the Burdiehouse Road bus stop and to the Burdiehouse Burn. No housing development is proposed here.

Area B is the main development area and it is proposed for development of 116 homes, including 30 affordable, along with 1.7 hectares of public open space. The housing mix comprises detached, semi-detached and terraced houses and two flatted blocks. The houses are all two storeys in height and are finished in render with concrete roof tiles. The two flatted blocks are three storeys in height and are finished in render and brick with flat roofs.

A new street frontage and landscaped pedestrian and cycle route would be provided to Lang Loan to the south east of the site. Landscaping and a further pedestrian and cycle route is to separate the application site from the adjacent green belt land to the south west. The north east boundary would be formed of back gardens and fencing onto the adjacent farmland and woodland. To the north west boundary, the area of woodland and shrub planting previously implemented under the Burdiehouse (LDP allocated site HSG 22) development would be partially reduced to accommodate public open space, SUDS, an informal play area, three cycle connections and a vehicular connection to the HSG 22. Planting would be strengthened along the far northern boundary to provide a link between established woodland and the open space. Pedestrian and cycle connections are to be provided extending beyond the site boundary in the east linking along Lang Loan to connect with the access track to Straiton Ponds and to connect the north west corner of the site across to Burdiehouse Road and bus stop.

Previous Scheme

The scheme has been amended to accommodate a further affordable housing unit, reduce the roof height and divide the flatted block into two separate buildings. Amendments have been made to the road layout to define character areas and to landscaping to accommodate extra heavy standard tree planting.
Supporting Information

The following documents were submitted in support of the application:

- EIA report;
- Sustainability Statement;
- Planning Statement;
- Pre-application Consultation Report;
- Noise Report;
- Design and Access Statement;
- Housing Land Supply Assessment;
- Transport Assessment; and
- Heat Network Assessment.

These documents are available to view on the Planning and Building Standards Online Service.

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 proposals preserve the setting of the listed building;
c) the proposal complies with the Broomhills, Burdiehouse and Lang Loan Site Brief;
d) the design, scale, materials, layout and landscaping are acceptable;
e) there is sufficient amenity for existing neighbours and future occupiers;
f) the proposal would have acceptable transport impacts;
g) the proposal would be sustainable;
h) the proposal addresses developer contributions and the LDP Action Programme;

i) the proposal raises any other issues and

j) any comments raised by third parties to be addressed.

a) Principle

Areas A and B of the application site are designated within the adopted Edinburgh Local Development Plan (LDP) as being part of both the urban area and land allocated for housing development. This can be attributed as follows:

- Area A (1.02 hectares) within the urban area and forms the SUDS and open space;
- Area B (5.8 hectares) comprises of the remaining part of housing proposal HSG 22 (1.87 hectares) and an area identified as 'Long Term Redevelopment Opportunity - East of Burdiehouse' (3.93 hectares) which lies within the urban area and is the main area of housing development.

Policy Hou 1 (Housing Development) part 1 states that priority will be given to the delivery of the housing land supply and the relevant infrastructure on sites which fall within set criteria. Criteria a) gives priority to sites allocated for housing. Criteria d) gives priority to suitable sites in the urban area, provided proposals are compatible with other policies in this plan.

As the application site comprises of both an allocated housing site and a suitable site within the urban area, the principle of housing is therefore acceptable in accordance with Policy Hou 1 part 1 criteria a) and d).

b) Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed site lies to the east of the category B listed limekilns. These structures are important features in the landscape of south Edinburgh and are highly visible in long views from Burdiehouse Road to the west and north-west and the woodland surrounding the limekilns is prominent in views from Lang Loan to the north. Policy Env 3 (Listed Buildings - Setting) requires development to protect the setting of the listed buildings. The proposal retains the immediate curtilage of the listed structures and maintains a reasonable setting. The proposed housing development would retain the view from Lang Loan to the limekiln woodland area, along the main vehicle access road. The proposal shows landscape open space as a buffer between the site and the adjacent limekilns and therefore the proposal would not adversely affect its setting.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting of the listed building and comply with policy Env 3 (Listed Buildings - Setting).
c) Site Brief
The LDP site brief for Broomhills, Burdiehouse and Lang Loan includes the allocated housing sites Broomhills (HSG 21), Burdiehouse (HSG 22) and North of Lang Loan (HSG 39) together with the main area of development subject to this application, Long Term Redevelopment Opportunity - East of Burdiehouse. The brief sets out a number of principles to be addressed with development.

Area A
This area is identified in the brief as an area of new greenspace and woodland with a pedestrian and cycle path connecting from HSG 22 to an existing path to the north. This area is an established SUDS area serving existing development. Along with extending the SUDS to meet the drainage of the proposed development, new pedestrian and cycle path connections would also be provided. These would continue from the now implemented HSG 22 site connecting through Area A to Burdiehouse Road bus stop. Existing woodland to the west would remain.

Area B
This area is identified in the brief as providing a new woodland to the north, street improvement and frontage to Lang Loan, pedestrian and cycle links between HSG 22 and the Long Term Development Area, links to Straiton Pond and links to HSG 39. The application addresses the requirement for street improvement to Lang Loan through the introduction of a 3m wide pedestrian and cycle path with an avenue of tree planting running along the boundary. Set back from the main access road to the development will be fronted with new housing is orientated to face Lang Loan and provide an active street frontage. The woodland and shrub planting implemented under HSG 22 will be modified to allow the creation of pedestrian and cycle paths and the connection of the vehicle access. Offsite pedestrian and cycle paths will be created to connect to Burdiehouse Road and to Straiton Ponds.

The proposal complies with the relevant requirements of the Broomhills, Burdiehouse and Lang Loan Site Brief.

d) Design, Scale, Materials, Layout and Landscaping

Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design.

Policy Des 4 (Impact on Setting) requires development to have a positive impact on its surroundings including the character of the wider townscape and landscape, and impact on existing views.

Policy Des 9 (Urban Edge Development) requires development sites on the green belt boundary to conserve and enhance the landscape setting and special character, promote access to the countryside and include landscape improvements that strengthen the green belt boundary.
The design of the development has been informed by the creation of 1.7 hectares of open space formed over an area of the site which, due to historic underground workings associated with the limekilns, cannot be developed for housing. The formation of the open space, along with woodland planting, will act as a buffer between the proposed development and the adjacent limekilns retaining views. The housing plots and flatted blocks have been arranged to provide frontage to the open space.

As noted in section a) the development sits within a collection of new housing sites allocated in the LDP which are now largely completed. The design of the proposed site has been conceived to act as a continuation of the design and layout pattern that has been established.

To address both the LDP site brief and the need to establish a green belt boundary under policy Des 9, woodland planting to the south west edge and tree planting and building frontage to the south east boundary are proposed.

Landscape and materials

The application is accompanied by a Landscape and Visual Impact Assessment. This sets out that due to the location and levels within the development site there will be visual impacts. These are described as being of moderate significance as the development would be seen within the context of other new development, which includes the adjacent sites in the Broomhills, Burdiehouse and Lang Loan Site Brief. The retention and introduction of woodland planting would help mitigate some of the impacts over time.

The development is predominantly two storeys in height with the exception of the two flatted blocks which are three storeys in height. The flatted blocks have flat roofs in order to minimise their presence within the development. Materials for the flatted blocks and to all houses on the development boundaries are a cream and buff render. Houses within the central areas of the development are finished in white render. All houses have grey concrete roof tiles. The palette of materials is to harmonise with the existing development on adjacent sites. The more muted colours to the flatted blocks and development edges are to minimise their appearance within the wider landscape.

Layout

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

The development had been designed around a central main access street connecting from Lang Loan through to Martin Street which serves the existing Burdiehouse development HSG 22. The formation of a central street, set in tarmac with formal footways and edged by a formal strip of avenue planting, acts a central character area. Secondary streets feeding off the main street to the eastern part of the site are laid out as shared surface areas and finished in block pavours with hedges and trees used to define the spaces within and increase legibility. To the western portion of the site, secondary streets consist of two courtyard areas serving terraced properties and the flatted blocks with on street parking.
The main street, as well as numerous cycle and footpath connections, provide direct links to adjoining sites and facilities in the wider area. This substantially increases the permeability of the site and encourages walking and cycling. The layout of houses and the flatted blocks has been arranged to front key spaces including creation of an active frontage to Lang Loan, the open space and both primary and secondary streets and spaces through the site. This ensures spaces are active and well overlooked.

The layout forms a legible street hierarchy in line with Designing Streets and policy Des 7.

e) Amenity for Existing Neighbours and Future Occupiers

Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Amenity of Existing Residents
The neighbours most affected by the proposals are located to the north of the site. Here a group of seven two-storey detached and semi-detached properties adjoin the development site. An area of shrub planting to the rear of these properties will be replaced with tree planting in order to provide a nine metre strip between the existing properties the rear of new properties proposed. This will ensure privacy and separation as well as a green corridor link from the wider area. The tree planning will be managed under maintenance agreement to ensure they do not cause loss of daylight and sunlight.

It is acknowledged that the area will experience a change in character from open land to a residential site and this may have an initial impact on existing amenity through different patterns of use. However, the proposed land uses and design are complementary to the neighbouring area, and therefore, the development is in accordance with policy Des 5.

Amenity of Future Residents

Sunlight and Daylight
All of the properties will benefit from the required amount of sunlight and daylight as set out in the Edinburgh Design Guidance. All houses and over 80% of the flatted properties are dual aspect. The four flatted properties which are single aspect directly overlook the area of open space.

Privacy
The homes are arranged to ensure privacy is maintained for residents. All houses and the lower ground floor of the flatted blocks, have at least 3 metres of semi-private space between front elevations and public spaces.
Housing Mix

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. The development includes a range of detached, terraced and flatted properties with 1 to 4 bedrooms including a range of types and sizes of affordable homes. All homes meet or exceed the minimum space standards as set out in the Edinburgh Design Guidance.

The overall development represents a positive contribution to meeting a range of housing needs and includes a range of house sizes.

Open Space

The houses have private garden ground to the front and rear and ground floor flats have direct access onto semi-private open space. There is a generous amount of public open space provided on site including a children's play area within the 1.7 hectare greenspace. Greenspace within the site exceeds the required 20% as required in policy Hou 3. The level and quality of open space proposed is therefore acceptable. The proposal is therefore in accordance with policy Des 5.

f) Transport Impacts

Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development and requires a transport assessment to propose mitigation that addresses cumulative and cross boundary transport impacts. The LDP Action Programme (2019) sets out the infrastructure required to implement the LDP to ensure that proposed development is closely aligned with the infrastructure needed to support it.

The applicant has submitted a Transport Assessment (March 2019) in support of the proposal. This assessment models the proposed scheme along with neighbouring recent developments. It concludes that transport provision in the area is considered sufficient to accommodate the development without the need for mitigation. It notes that proposals to encourage walking and cycling should be used to promote connectivity with the surrounding area.

Transport Scotland commented on the proposal stating that although they would not propose to advise against the granting of planning permission, this is provided on the understanding that the Council will make provision (should the application be recommended for approval and if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal) for an agreement with the applicant to make appropriate and proportionate contribution to address cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.
The site was assessed as part of the LDP Transport Appraisal Addendum (November 2016) and is included within the LDP Action Programme (January 2019) and the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018). Within the supplementary guidance, the development falls within healthcare, education and transport contribution zones. For transport, this includes the Straiton Junction Transport Contribution Zone, the Lasswade Road / Lang Loan Transport Contribution Zone and the Burdiehouse Junction contribution zone. A contribution is required towards the Burdiehouse Junction of £52,800. This contribution will be secured by legal agreement.

To ensure the development has suitable access to public transport, the Action Programme seeks support for enhanced bus capacity on Burdiehouse Road, with this action shared across neighbouring sites. The Action Programme also seeks support for the introduction of a bus route connecting to an existing development, The Murrays which sits to the north east of the site. The Action Programme notes that the introduction of the route is constrained by bus operators who may be reluctant to alter current routes. To deliver this route would also require upgrade of the road in site HSG 22 and the use of further land outwith the applicant's control. No costs have been attributed to these actions.

Provision of high quality on and off site pedestrian and cycle connections are also specified in the Action Programme. These include onsite routes allowing connection to adjacent walking and cycle routes to the north, east and south and neighbouring residential areas and continuation of the active travel route along Lang Loan.

On-site the proposed development has responded to this requirement by providing three main segregated walking and cycling links running east to west and north to south through the site and along Lang Loan. These routes are specified as being three metres in width. These routes will be delivered with the development.

Four off-site connections are specified in the Action Programme. These are links to West Edge Farm (228m) and The Murrays (103m) to the east of the site, Straiton Ponds (481m) to the south of the site and Burdiehouse Burn/Bus Stop (594m) to the west. The off site routes are specified as 4m wide, and lit with the exception of the section to Lang Loan. The applicant has indicated that the links to the west and south of the site are within land which they control. Delivery of these west and south links is to be secured by condition. Links to the east of the development site are on land which the applicant does not have control and will be secured by legal agreement.

**Car parking and cycle parking**

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.
The proposed development includes 57 on street car parking spaces including 6 spaces for disabled people and 72 off street parking spaces, to a total of 129 spaces. Current parking standards would permit up to 219 spaces for the 116 units and require provision of 1 in 6 on street spaces to be for disabled people. The provision is therefore in accordance with policy Tra 2.

For the flatted blocks two cycle stores are proposed. One is accommodated internally within south flatted block and the other as a separate covered area within the courtyard. These areas provide storage for 42 cycle spaces for 21 flats. Cycle parking for the houses can be accommodated within garages and private garden areas. This provision meets the requirements of policy Tra 3 and the Edinburgh Design Guidance.

g) Sustainability

Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development. Supplementary Guidance on Heat Opportunities Mapping was adopted in December 2018. This requires applicants for allocated housing and major development sites to make an assessment as to whether a creation of or connection to a heat network would be feasible.

The applicant has completed the required S1 Sustainability Statement and submitted a Heat Network Assessment. The S1 statement shows the development will meet all essential criteria as set out in the table below. This includes use of photovoltaic cells on roofs and provision of ducting for electric car charging points. The Heat Network Assessment confirms that in this location and with the nature of the housing development proposed, a heat network would not be a viable option.

The points achieved against the essential criteria are set out in the table below:

<table>
<thead>
<tr>
<th>Essential Criteria</th>
<th>Available/Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1: Energy Needs</td>
<td>20/20</td>
</tr>
<tr>
<td>Section 2: Water Conservation</td>
<td>10/10</td>
</tr>
<tr>
<td>Section 3: Surface water run-off</td>
<td>10/10</td>
</tr>
<tr>
<td>Section 4: Recycling</td>
<td>10/10</td>
</tr>
<tr>
<td>Section 5: Materials</td>
<td>30/30</td>
</tr>
<tr>
<td>Total points</td>
<td>80/80</td>
</tr>
</tbody>
</table>

The development meets the required sustainability requirements of policy Des 6 and the associated Supplementary Guidance.

h) Developer Contributions and Action Programme

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

The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018) and the LDP Action Programme (January 2019) require the following contributions and actions.
**Education**

Assessment based on:
- 21 Flats
- 95 Houses

This site falls within Sub-Area LG-1 of the 'Liberton Gracemount Education Contribution Zone'. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

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

Total infrastructure contribution required:
£2,010,105

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.

Total land contribution required:
£257,932

Note - no indexation to be applied to land contribution.

**Healthcare**

The site falls within the Gilmerton healthcare contribution zone. This amounts to £1050 per dwelling (for a new practice), based on 116 dwellings

Total contribution required:
£121,800

**Transport**

The applicant will be required to contribute:
- the sum of £52,800 to the Burdiehouse Junction Transport Contribution Zone
- the sum of £361,674 minus the amount of links to be delivered directly by the applicant, to provide high quality pedestrian / cycle connections outwith the site.

As set out in the Edinburgh Local Development Plan Action Programme January 2019, it is expected that this would be prior to 25% of the residential units being sold or completed

- The sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 3 car club vehicles.
Affordable Housing

At least 25% of the total number of residential units on site shall be affordable.

A legal agreement will be required to secure the contributions outlined above, and the progression of traffic orders as necessary, including the redetermination of footways and carriageways, a stopping up order and the enforcement of disabled car parking spaces.

i) other issues

The Environmental Impact Assessment (EIA) submitted with the application assessed the development in relation to its environmental impacts.

Noise

The site is approximately 250m from the A720 Edinburgh City Bypass, with Lang Loan immediately bounding the site to its south. To the south of the site are high voltage electrical pylons sitting approximately 35m from the proposed development. The EIA includes a Noise Impact Assessment and requires mitigation to protect future residents from the impacts of these potential noise sources.

Environmental Protection has recommended conditions to ensure that these impacts are mitigated. These include a 1.8 m high acoustic barrier around plot 101 and noise reducing glazing to habitable rooms facing the southern edge of the development towards the bypass.

Mining

The Coal Authority has advised that it does not object to the application subject to a condition to ensure that further site investigations are carried out, as there are likely to be coal mining features and hazards. It recommends further intrusive site investigation works, along with the stabilisation of the mine entries and/or areas of shallow mine workings, within the application boundary, and that these works should be undertaken prior to development. Therefore, a condition requiring further intrusive site investigation and further remedial works, if necessary, is recommended.

Contaminated Land

The applicant has submitted a Ground Investigation Report. Environmental Protection has advised that a site survey 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. This will be secured by condition.
Archaeology

The City's Archaeologist has advised that the site is of archaeological significance, the aim should be to preserve the archaeological remains in situ and that mitigation measures will be required. A programme of archaeological works will be required prior to development and will be expected to demonstrate phased, detailed mitigation strategies and incorporation of heritage in the final designs whether through public art or interpretative panels. Therefore, a condition is recommended to ensure that archaeological remains are protected, excavated or appropriately recorded. This complies with Policies Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance).

Trees

The application site extends into woodland area on the eastern boundary, which is covered in part by a Tree Preservation Order. However, TPO 13 is not affected by this proposal and therefore no objection under Policy Env 12 (Trees), subject to condition that the trees should be safeguarded by tree protection plans, secured by condition, if the application is to be approved.

Ecology and Protected Species

Scottish Natural Heritage (SNH) has no objection to the proposals and are supportive of the proposed creation of extensive greenspace and new tree planting which is included in the Landscape and Ecology Management Plan. They have recommended that the standard construction mitigation measures for badgers, as set out in section 5.2 of Appendix 9.3 of the Landscape and Ecology Management Plan, are taken forward.

j) Public Comments

Material Representations:
- Object to through road to new development due to impact on Martin Street and Clippen's Drive including increase in traffic, threat to road safety, unsuitability of road to accommodate traffic, increase in noise and air pollution, loss of residential character and amenity and potential for connection to be used as a rat run.
- Object to connection to Murrays on road safety and amenity.
- Object to formation of bus route due to road safety and amenity.
- Comprehensive traffic study/audit required.
- Increase in on street parking in existing estate.

Issues of road safety, layout, travel and transport have been addressed in sections 3.3c) to 3.3f) and a transport study has been submitted and considered under section 3.3f).

- Need for playpark or other community space in development
- Loss of amenity including daylight, sunlight and loss of privacy
- Lack of infrastructure including roads, medical practice and schools
- No links to Burdiehouse Burn Valley Park, opportunities not taken to enhance the park
Issues of amenity, access to open space and infrastructure are addressed in sections 3.3c) to 3.3h).

Non-material Representations:

- Loss of view
- Should have a lit pavement whole way along Burdiehouse Road
- Barratts advised no through road would be made between developments
- Creation of footway on Lang Loan desirable
- Need for enhanced pedestrian and cycle facilities in wider area
- Need speed reduction measures on Clippen's Drive

Conclusion

The proposal complies with the Local Development Plan Site Brief for Broomhills, Burdiehouse and Lang Loan and will provide 116 residential units including 30 affordable homes in the south east of Edinburgh. The proposal will provide public open space along with pedestrian and cycle connections to the wider area. The proposed development is of an acceptable design, scale and layout and is acceptable in terms of amenity, access, cycle and car parking.

The proposal complies with the adopted Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatics

Conditions:-

1. The following noise protection measures to the proposed development, as defined in the Airshed 'Noise Assessment' report (AS 0677), dated 27 May 2019:

   - The Proposed Development shall include a 1.8 m high acoustic barrier around plot 101. The location, extent and geometry of the noise barrier is highlighted in Figure 6 of the noise assessment. The barrier shall be constructed continuously ensuring there are no air gaps, either between the boards or at the barrier base a dry mass density of 12 kg/m² as a minimum.

   - Glazing units serving the habitable rooms overlooking the A720 shall have a minimum sound reduction level of 33 dBw double glazing with acoustic trickle ventilation of 38dBA minimum sound reduction levels (specific units highlighted on figure 6 of the noise assessment) shall be carried out in full and completed prior to the development being occupied.
2. 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.

3. i) Prior to the commencement of construction works on site the following will be required complete

   - The undertaking of an appropriate scheme of intrusive site investigations for the mine entries;
   - The submission of a report of findings arising from the intrusive site investigations;
   - The submission of a scheme of remedial works for approval by the planning authority; and
   - Implementation of those remedial works.

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. Provision of the high quality pedestrian/cycle connections 'link to Straiton Ponds (481m) and 'link to Burdiehouse Burn/Bus Sop (594m) as set out in the Local Development Plan Action Programme, shall be implemented prior to completion of plots 01-36. Specification of the surface and lighting of these links shall be submitted for approval of the Planning Authority.

6. No development shall take place including demolition, ground works, vegetation clearance until a Construction Environmental Management Plan (CEMP:Biodiversity) has been submitted and approve in writing by the planning authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the planning authority.
7. The approved landscaping scheme shall be fully implemented within the first planting season following completion of the development. Any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.

**Reasons:-**

1. In order to ensure a suitable residential environment.
2. In order to ensure that the site is suitable for redevelopment.
3. In the interests of public safety.
4. In order to safeguard the interests of archaeological heritage.
5. In order to ensure the development is supported by suitable walking and cycling infrastructure.
6. In the interest of protecting biodiversity.
7. In order to ensure appropriate planting is established on site in the interests of amenity and setting of the development.

**Informatives**

It should be noted that:

1. Planning permission shall not be issued until a legal agreement has been concluded with respect to

**Education**

Sub-Area LG-1 of the 'Liberton Gracemount Education Contribution Zone'

Total infrastructure contribution required:

£2,010,105

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.

Total land contribution required:

£257,932

Note - no indexation to be applied to land contribution.
Healthcare
Gilmerton healthcare contribution zone

£1050 per dwelling, based on 116 dwellings

Total contribution required:
£121,800

Transport

The applicant will be required to contribute:

- the sum of £52,800 to the Burdiehouse Junction Transport Contribution Zone
- the sum of £361,674 minus the amount of links to be delivered directly by the applicant, to provide high quality pedestrian / cycle connections outwith the site. As set out in the Edinburgh Local Development Plan Action Programme January 2019, it is expected that this would be prior to 25% of the residential units being sold or completed
- The sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 3 car club vehicles.

Affordable Housing
At least 25% of the total number of residential units on site shall be affordable.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. 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.

4. 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.

5. The applicant will be required to provide 10 on-street electric vehicle charging points (1 in 6 spaces)

6. In support of the Council's LTS Cars1 policy, the applicant should consider the provision of 3 car club vehicles. The sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.

7. 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.

8. For the avoidance of doubt, appropriate lighting to an adoptable will be required on all adoptable remote footpaths.

9. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.

10. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.

11. In accordance with the Council’s LTS Travplan3 policy, the applicant should consider developing a Travel Plan including 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), and timetables for local public transport.

12. The applicant should note that new road names will be required for the development and this should be discussed with the Council’s Street Naming and Numbering Team at an early opportunity.

13. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed 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 as part of any sale of land or property.

14. 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.

15. Electric vehicle charging outlets should be considered for all properties with off-street parking.

16. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice (18/08834/PAN) was submitted to City of Edinburgh Council on 12 October 2018, for residential development providing a range of private and affordable homes, and associated landscape, access and infrastructure.

A pre-application report was presented to the Committee on 5 December 2018. The Committee noted the key issues at that stage in the process.

The PAN set out a proposed programme of pre-application consultation. A copy was sent to the following organisations:

Community Councils
Gilmerton and Inch Community Council

Neighbourhood Partnerships
Liberton and Gilmerton Neighbourhood Partnership
South Edinburgh Partnership

Ward Councillors
Cllr Lezley Marion Cameron
Cllr Derek Howie
Cllr Lesley Macinnes
Cllr Stephanie Smith
Public Exhibition

A public exhibition took place on 23 November 2018 at the Gilmerton Society Hall, Edinburgh. The details and feedback are set out in the Pre Application Consultation Report dated February 2019. This is available to view on the Planning and Building Standards Online Services.

The proposals were submitted to the Urban Design Panel on 28 November 2018. Full details of the response can be found in the Consultations section.

Schools
Gilmerton Primary School
Liberton High School
Gracemount High School
St Catherine’s Roman Catholic Primary School
Holy Rood RC High School

Other Organisations
Friends of Burdiehouse Burn Valley Park

MSPs
Ash Denham MSP
Jeremy Balfour MSP
Miles Briggs MSP
Kezia Dugdale MSP
Neil Findlay MSP
Alison Johnstone MSP
Gordon Lindhurst MSP
Andy Wightman MSP

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of this application on 18 June 2019. There have been 30 letters from surrounding residents including 25 objections, four neutral comments and one letter of support.

The Community Council has not commented.

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
David R. Leslie  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council  

Contact: Lynne McMenemy, Senior Planning Officer  
E-mail: lynne.mcmenemy@edinburgh.gov.uk  Tel: 0131 529 2485

Links - Policies

Relevant Policies of the Local Development Plan.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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

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 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

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.

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

**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.

**Non-statutory guidelines** - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.
Appendix 1

Application for Planning Permission 19/02616/FUL at Land 100 Metres East Of 53, Burdiehouse Road, Edinburgh. Residential development 116 dwellings and associated landscaping and infrastructure (as amended).

Consultations

SEPA

We have no objection to this planning application, but please note the advice provided below.

Flood Risk

We have reviewed the information provided with this planning application and we note that part of the application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and it may, therefore, be at medium to high risk of flooding. The risk identified at this site is from surface water flooding only. The City of Edinburgh Council should be satisfied with the drainage design and that the site does not increase surface water flood risk elsewhere.

Review of the Site Layout - Wider Context drawing (18173(PL)001_G, dated 12/10/2018) and OS Map contours, indicates that the site is located on ground levels approximately 135-146m AOD. The Burdiehouse Burn is situated well below 120m AOD, approximately 140 metres north of the red line boundary. Review of topographic information submitted as part of the previous proposal (planning application16/06036/PPP), which extends down to the watercourse, supports these elevations. There is sufficient height difference, therefore, between the site and Burdiehouse Burn. We are not aware of any other watercourses within or immediately adjacent to the site.

We would recommend that contact is made with the council’s Flood Prevention Officers to gather any information/local knowledge they may have.

If you require us to provide additional comments on the flood risk issue, please re-consult us and specify the nature of the perceived flood risk.

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 the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note “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/

Stabilisation of mine workings with Pulverised Fuel Ash (PVA) Grouts.
We recommend that if stabilisation works are identified as being required to facilitate the development then an appropriate risk assessment for the proposed stabilisation of mine workings with PFA grout is produced prior to this activity being undertaken on site.

The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2001 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. SEPA considers that an assessment should be undertaken to assess whether the use of PFA grout will meet the requirements of GBR 16. If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations.

SEPA recommends that the assessment is undertaken in line with the guidance document: Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509.
If the assessment is higher risk and conceptually complex, then a complex risk assessment is required. At this stage it may be prudent for the developer to highlight this to SEPA through additional consultation.

Additional Information
Further details relating to CAR requirements can be found on SEPA’s website at; http://www.sepa.org.uk/water/water_regulation/regimes.aspx
Consultation with The Coal Authority is recommended.

Key points to note in relation to the water environment when undertaking mine workings grouting:
An adequate hydrogeological conceptual model is required (e.g. an assessment of ground conditions, depth to groundwater, likely flow of groundwater, depth/size of old mine workings etc). Ideally, the conceptual model would be backed up with site specific ground investigation and monitoring data.

It is recommended that the applicant/agent carries out an appropriate water features survey to identify what there is in the surrounding area that might be affected by the grout.
Note that potential hazards and impacts may not necessarily be confined to the proposed development site. Applicants should consider and mitigate as necessary risks both within and outwith the development site.

It should be noted that even if mine waters are currently low (i.e. below workings to be grouted), groundwater levels might, in the future, rebound into the grouted zone if mine water pumping were to cease. SEPA would recommend that both scenarios are considered.

If the excavation works require dewatering, the applicant may be required to demonstrate that this will not adversely affect the hydrogeological regime. Any adverse effects will depend on the size and duration of the excavation works.

Air Quality
In the EIA non-technical document there is a statement that the traffic generated by the development is under the thresholds indicative of requiring detailed assessment. No specific mitigation has therefore been proposed. Should the planning authority agree with this, we advise that good practice to reduce emissions and exposure is incorporated into all developments at the outset.

The council should refer to EPS & RTPI Scotland’s guidance document: Delivering Cleaner Air for Scotland - Development Planning and Development Management for more information on how effective development can minimise impact on air quality.

Future consents from SEPA
It appears that sewage is going to the Scottish Water foul sewer. This should be confirmed by the applicants and Scottish Water.

If there are any alterations to the burn the applicants should consult SEPA’s local team (contact details below) to obtain the relevant permissions. We also advise the applicants to contact our local team to discuss soil movements as a Waste Management Licence exemption may be needed.

Regulatory advice for the applicant

Regulatory requirements
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).

Management of surplus 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.
A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25

See SEPA’s Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

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 the local SEPA office at:

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

Coal Authority

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that there are 3 recorded mine entries (shafts and adit) within, or within 20m of the planning boundary.

The Coal Authority notes the submitted Phase 1 Ground Condition Assessment (Contamination and Stability), which appends the Environmental Impact Assessment (May 2019, prepared by Peter Brett Associates LLP). The Report has been informed by up-to-date geological and mining information and results from intrusive site investigations undertaken.

Based on this review of existing information, the Phase 1 Assessment correctly identifies the risks to the development posed by both oil shale and limestone workings and the recorded mine entries, one of which relates to oil shale. However, The Coal Authority is not responsible for oil shale or limestone within the site. It is the responsibility of the landowner/developer to ensure that the site is or can be made safe and stable for the proposed development in accordance with the requirements of the planning system. The Coal Authority therefore has no objections to this planning application subject to a planning condition to ensure the investigation and potential treatment of the mine entries as recommended within the Report.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Phase 1 Ground Condition Assessment (Contamination and Stability) (November 2016, prepared by Peter Brett
Associates LLP); that recorded mine entries pose a risk to both public safety and ground stability. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.

The Coal Authority is therefore able to recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entries to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

* The undertaking of an appropriate scheme of intrusive site investigations for the mine entries;

* The submission of a report of findings arising from the intrusive site investigations;

* The submission of a scheme of remedial works for approval; and

* Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Scottish Natural Heritage

Thank you for consulting Scottish Natural Heritage on the above proposed residential development. This is a full planning application which supersedes the previous application (16/06036/PPP). The development has changed and is supported by a new environmental impact assessment (EIA) in order to comply with the 2017 EIA Regulations.

Summary
The new application, if delivered to appropriate standards and in accordance with submitted masterplans, designs and codes, has the potential to provide a well-integrated housing development, providing a new neighbourhood with a favourable level of integrated, accessible and multi-functional green infrastructure.

Strategic Context
The proposed development is addressed in the Edinburgh Local Development Plan: housing north of Lang Loan (HSG 39). The proposal is subject to the design principles set out in the Broomhills and Burdiehouse Site Brief and we are satisfied that the application accords with these principles.

The site lies in a prominent and exposed location on the edge of the city and, together with other planned developments in this area, will alter the character of the city edge at this location. We therefore advise that a strong and cohesive approach is required to
place-making and design in order to integrate these various developments with each other and within their broader landscape context.

Appraisal of the Impacts and Advice
Landscape and Green Infrastructure

We are not able to comment on the landscape and visual impacts of this proposal. We are currently providing landscape and visual advice in only the highest priority circumstances, where development:

1. Is likely to have significant adverse effects on the integrity and objectives of designation of a National Scenic Area.
2. Is likely to have significant adverse effects on Special Landscape Qualities of a National Park.
3. Is likely to have significant adverse effects on the qualities of a Wild Land Area.
4. Raises landscape issues of national interest in the wider countryside.
5. Contributes to selected place-based priorities.

However, since we previously provided landscape comments on this proposal and these are still relevant, we repeat this advice below.

The proposed site lies on the northwards slope of an elongated minor ridge on the edge of the city of Edinburgh, close to the city by-pass. In part, this ridge helps define the landscape setting of this area of the city, particularly as experienced from the city by-pass and other areas to the south. We note that the proposed layout seeks to locate built development below the minor ridge. This siting of the housing, combined with the proposed avenue planting along Lang Loan, will help to shelter and visually contain the effects of built development, and associated ancillary infrastructure such as night-time lighting.

We consider the proposal has built on the key development principles outlined within the Local Development Plan, producing a detailed masterplan and landscape plans for the site. These principles, including the design approach for the site's green infrastructure, if successfully delivered to appropriate standards and ensuring appropriate linkages to the neighbouring developments and proposals, could lead to multiple benefits for both people and nature.

We welcome the avenue planting and 3m wide multi-user path along the southern boundary of the site next to Lang Loan. We highlight that the planting will need to be very well executed in order to establish satisfactorily. We draw attention to the exposed location and the difficulties in achieving successful planting in such conditions.

We also note the extensive area of green space / green infrastructure lying to the west of the site where the land is not suitable for housing. We welcome the varied treatment in this area with a mix of wildflower meadow, wetland grassland and tree planting fronted by the proposed new housing. We think that this should help create a high amenity area for recreation, and with active travel links (cycle paths and footways) between the new housing and phase 2 of the Burdiehouse development, helping link the development with wider communities and to other routes or areas of greenspace such as the Burdiehouse Burn.
We recommend that further information is needed for the appropriate delivery, maintenance and management of all the proposed green infrastructure, which should all be included within the Landscape and Ecology Management Plan. The short and long term approach to maintenance and management of all areas of open space will strongly define the quality of the local environment created within the application area and we advise that these matters are adequately clarified in advance.

Ecology
The environmental report provides an evaluation of the relevant ecological features found on-site, informed by a combination of baseline ecological desk study and survey work undertaken in January-March 2019. As indicated we are supportive of the proposed creation of extensive green space and new tree planting which is to be included in the Landscape and Ecology Management Plan.

It is proposed that a bat survey will be undertaken in May-June 2019 with the details to be provided in an addendum prior to determination of the planning application. We note that the wider ecological surveys have indicated the possibility of bats being present on-site so until the addendum is submitted we can't provide further comment on this aspect. Advice on bats is available from our website: https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species-z-guide/protected-species-bats

Although there are badgers in the wider area, site survey undertaken on 4 March 2019 did not identify any badger setts on-site or within the 100m buffer area surveyed (see Appendix 9.3). Therefore we advise that no specific mitigation or licence is required in respect of badgers. We recommend that the standard construction mitigation measures for badgers, as set out in section 5.2 of Appendix 9.3, are taken forward.

We hope you find this advice useful, please do not hesitate to get in touch by email: catriona.gall@nature.scot or by ‘phone: 01738 458665 if you require further information.

Historic Environment Scotland

Thank you for your consultation which we received on 18 June 2019. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, Historic Marine Protected Areas (HMPAs), gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Proposed Development
We understand that the proposed development comprises a residential development of 115 units in addition to landscaping, transport and drainage infrastructure. The proposed development is located 120m south east of the completed Phase I Burdiehouse development and immediately south to the Phase II Burdiehouse development.

Our Advice
We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Transport Scotland

The Director does not propose to advise against the granting of permission.

Transport Scotland's response is provided on the understanding that the City of Edinburgh Council will make provision, if deemed necessary as a consequence of the SESplan Cross Boundary Transport Appraisal, for an agreement with the applicant to make appropriate and proportionate contribution to address cumulative impact on the strategic transport network and for a related action to be incorporated within the Council's Local Development Plan.

Midlothian Council

Midlothian Council wishes to ensure that the roads in the locality of the development operate satisfactorily in terms of safety and congestion in the context of the expected cumulative development. The 'SESplan Cross Boundary and Land Use Appraisal Final - April 2017' (Cross Boundary Study or CBS) identified problem 'hotspots' including Straiton junction. These are locations where significant deterioration in the performance of the network might occur due to the impact of cross boundary trips from non-committed development (defined as allocations within adopted plans and proposed LDPs at the time the study was published in 2017).

Although the proposed development is relatively small in the context of development along the A701 and A720 corridors, Scottish Government transport appraisal guidance states that the significance of a traffic impact depends not only on the percentage increase of traffic but the available capacity. It would be valuable to seek an opinion from Transport Scotland on the acceptability of the proposals, and to consider the need for any developer contributions towards improvements.

The CBS also refers to SEStran's Strategic Cross Boundary Cycle Development report, which identifies gaps and barriers in the cross-boundary active travel network, including the A701 corridor at Straiton junction. Midlothian Council's adopted Green Network Supplementary Guidance establishes a green network requirement to create an active travel route along the A701 from Bilston to Straiton with onward connection to the Edinburgh Active Travel Network. If the Burdiehouse development is consented it is important that a contribution is made to overcoming this barrier in the active travel network. Joint working between Transport Scotland, and Midlothian/ CEC planning and roads services would be useful in helping develop improvements for pedestrians and cyclists at this location.

Landscape

The development extends up to the ridgeline along Lang Loan, which provides visual containment to the City of Edinburgh and would be visible on the skyline from the south, where not screened by intervening development. The EIA (paragraph 10.11.44) assesses these as visual effects of moderate significance.
The proposal is not on a site allocated in the recently adopted CEC LDP and so does not benefit from a site brief to set out development principles. Midlothian Council would rather the development were contained within the existing landscape boundaries. A reworked proposal, drawing the developed area further back from the ridgeline and more use of single or one and a half storey houses at the higher parts of the site would assist in reducing the impact of the development.

Edinburgh Urban Design Panel

Report of meeting held at the City Chambers on 28 November 2018

Recommendations

The Panel welcomed the opportunity to provide design advice for this proposal at an early stage in the design process and suggested the following matters be considered further:

The design and connections for the site to be shown in the context of the wider area
Sustainability
Development of a site wide landscape framework
Development of onsite affordable housing which is tenure blind
Development of character areas
Development of a suitable greenbelt edge

Planning Context

The application site is approximately eight hectares in area and is located within the southeast of Edinburgh, to the south of Burdiehouse. It consists of two separate areas. Area A is adjacent to Burdiehouse Road and Burdiehouse Valley Park. Area B is immediately north of Lang Loan and includes frontage/vehicular access to Lang Loan. Area B is adjacent to the south of the category B listed Lime Kilns (listed building reference: LB28159, dated 14 December 1970). There are overhead power lines adjacent to the southern boundary of the Area A.

At present, area A is SUDS and wildlife area and area B is open countryside/farmland.

A Proposal of Application Notice (PAN) has been submitted for a major residential development.

The site is located in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). The site also includes land designated as Local Nature Conservation Area and Area of Importance for Flood Management. The part of Area B along the northern boundary is also included within LDP HSG 22.

A Proposal of Application Notice has been submitted - the Community Engagement will form part of the pre-application process and is required to be undertaken by the applicant. A summary of this consultation with the community will be submitted with the application via a Pre Application Consultation (PAC) report.

No declarations of interest were noted.

This report should be read in conjunction with the pre-meeting papers.
This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.

Panel Comments

The Panel welcomed the opportunity to offer advice on the proposals at this early stage of the design process.

HSG 22 Broomhills, Burdiehouse and Lang Loan Site Brief

The Panel noted that this site sits within the above wider area and it is therefore important to show this site within the wider context and how it is connected.

The Panel noted that in the context of this site being part of a larger site little infrastructure is being provided and although an allocated site is still prime agricultural land and therefore these sites should be delivering highly sustainable development.

Design Concept / approach

The Panel noted that the design was at an early stage and no detail has been provided on matters such as the housing layout, housing mix, open space within the residential units and the proposed architecture and design of the individual houses. Therefore, they are only able to provide limited comment on the concept layout plan.

The Panel noted that in developing the proposals there is an opportunity to develop different character areas for the site, within an overall coherence with the earlier phases.

Edge of Development

The Panel noted the importance of providing an appropriately designed edge to the development edge fronting Lang Loan. Given the topography of the site (on a ridge) and adjacency to the greenbelt this should be tested through an LVIA and submitted as part of the supporting information for the application.

The site brief in the Edinburgh Local Development Plan indicates that this edge is a street frontage. The Panel expressed concern regarding this and suggested that a green edge may be more appropriate subject to the findings of the LVIA.

The Panel commented that the city may benefit from the development of a greenbelt management plan.
Movement

The Panel expressed concern regarding the accessibility of the site to public transport and that this could result in a car dependant development.

The Panel encouraged the design team to consider the wider movement structure in considering the design for this site and engage with Lothian buses.

The edge conditions needs to strike the correct balance between rural context and providing safe and secure off road links.

Affordable Housing

The Panel welcomed the inclusion of tenure blind affordable housing in the site.

Open Space, landscape and connections

The Panel noted that a landscape strategy should be developed for the entire site. This should not just include the proposed area of open space but extend beyond the red line to show linkages and I include the area allocated for housing on the concept plan.

With respect to the design of the large area of open space, the Panel suggested that this space could be designed to take account of views to the Pentland Hills and the Lime Kilns.

Lime Kilns

Proposals for these structures including routes and views through and too them have been developed as part of other phases of HSG22.

The Panel noted that connections both physical and visual should be shown as part of this application to the Lime Kilns and be coordinated with the previous application which have dealt with these features.

The Panel noted that clarification of ownership, of the Lime Kilns, would help to guide the open space and access strategy for the wider area.

Community Safety

The Panel encourage Secure by Design accreditation for the entire site. Also, carefully designed open space with adequate overlooking and a scheme of maintenance to ensure the open space is well maintained.

Sustainability

The Panel advocated that the design for this site and others on the urban edge should have sustainability at its heart. For example grey water supplies from SUDS, reed bed treatment, alternative to mains gas on site, highly insulated orientated dwellings with adequate infrastructure and facilities.
This page is intentionally left blank
Wednesday 4 December 2019

Application for Planning Permission 19/02600/FUL at Land East of Corbieshot, Corbieshot, Edinburgh Residential development (53 dwellings), associated access arrangements, roads, open space, landscaping and infrastructure works (as amended).

Summary

The development of 53 dwellings on the site will contribute to the city's housing needs in an accessible and sustainable location. The existing open space on site is of limited amenity and leisure value to the local community and the proposed development will help to deliver an improved quality of open space within part of the site. The proposed landscaping strategy for the site will have an acceptable impact on the existing habitat and biodiversity mix and will provide an enhanced species mix across the site. The existing core path through the site will be retained and improved. The proposed layout will provide a clear hierarchy of routes through the site and will improve pedestrian connections across the site from the wider area. An appropriate mix of housing types will be provided, including affordable housing. The proposal will provide an appropriate level of amenity to existing and future occupiers. There are no material considerations which outweigh this conclusion.
| Policies and guidance for this application | LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LEN09, LEN12, LEN15, LEN16, LEN18, LEN20, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LRS06, LTRA02, LTRA04, LTRA09, LEN22, NSG, NSOSS, NSGD02, |
Application for Planning Permission 19/02600/FUL at Land East of Corbieshot, Corbieshot, Edinburgh Residential development (53 dwellings), associated access arrangements, roads, open space, landscaping and infrastructure works (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 extends to approximately 1.7ha and is designated as open space in the adopted Edinburgh Local Development Plan 2016 (LDP).

The site is in the Jewel area of east Edinburgh. The site is positioned on the edge of a wider residential area which extends to the west. Further residential development is located in close proximity to the site to the north and south. Land to the east and south east of the site has a commercial character, comprising the Asda superstore at The Jewel, and Fort Kinnaird Retail Park. Magdalene Glen, an area of open parkland, is located to the immediate north of the site on the north side of The Jewel.

The site boundary includes part of The Jewel road along the north of the site. The eastern boundary of the site is formed by a bund which separates the site from the adjacent Asda supermarket and its adjacent car park. There is planted tree cover along the bund, which opens out towards the south eastern edge of the site where an access ramp and set of steps are provided, linking into the supermarket car park to the east. A car wash and petrol filling station are located within the car park area to the immediate east of the site boundary.

The western site boundary is formed by existing residential properties at Corbieshot, which back onto the site and are separated by rear garden boundary fences. The southern site boundary is formed by an existing metal fence which forms the boundary of the railway line to the south.

The site is currently open space and is occupied by unmaintained grassland and varied scrub cover. A pedestrian/ cycle path runs north to south along the eastern edge of the site and is identified as a core path within the city (Core Path CEC 5 - Innocent Railway Kinnaird Park). There is an additional informal desire line through the centre of the site which connects the core path with the residential area at Corbieshot to the west.

The existing landscape on site is heavily overgrown, and access into the site away from the existing paths is currently limited due to the extent of vegetation. The Council's
Open Space Audit (2016) identifies the site (ref Nat 19 - Niddrie Junction West) as "other semi-natural greenspace" and categorises the quality of open space as 'low'.

The site slopes down gradually from south to north, with some minor topographic variances across the site. There is an elevation of approximately 30m AOD at The Jewel to the north, rising to approximately 45m AOD at the site boundary adjacent to the railway line to the south.

Trees on site comprise a limited mix of species and are generally young to semi-mature self-seeded species. There is planted screening of trees along the eastern edge of the site which provides visual separation between the site and the adjacent ASDA car park.

2.2 Site History

2 December 2018 - Proposal of Application Notice submitted for a residential development including associated access roads, landscaping and infrastructure works (application reference 18/10006/PAN).

Main report

3.1 Description of the Proposal

The application is for full planning permission for the development of 53 residential dwellings, associated access arrangements, road, open space, landscaping and infrastructure works.

The dwellings comprise a mix of one to four bedroom properties in a range of detached, semi-detached, terraced and cottage flat homes. Thirteen affordable homes (25% of houses) are included in this mix and will be located in the south of the site. The affordable housing will include a mix of one to three bedroom properties. Four affordable homes will be three-bed properties, equalling 31% of the affordable provision. Affordable housing will be delivered in partnership with a registered social landlord.

All dwellings are two storeys in height and will be provided with private garden space. Level access will be provided to all homes.

The houses will be finished with white roughcast render with a buff coloured facing brick base course. Roofs will be concrete tiles in a dark grey colour. Window and doors will be dark grey on front elevations and white to the rear and sides. Fascias and soffits will be white, and rainwater goods will be black. The same external materials will be used for private and affordable homes, providing a tenure blind development.

The boundary treatments include a mix of hedges, masonry walls and timber fencing. Where houses and flats front onto public areas, the boundaries are treated with hedges and walls. There are no timber fences to the public realm.

Vehicular access to the site will be taken from The Jewel to the north of the site. This will require the location of the existing bus gate on The Jewel to be amended slightly to allow for the site access to operate satisfactorily and achieve appropriate visibility.
levels. A main access road will run from north to south through the site which will form a loop around the southern part of the site with two secondary roads providing access to housing in the west of the site. Shared surface principles will be implemented across secondary access routes.

The existing footpath, part of CEC Core Path CEC5 (Innocent Railway) which runs south from The Jewel to the north will be retained within the development with associated upgrade and improvement works undertaken. Informal pedestrian access from the site into Corbieshot to the west will be retained and improved. All access routes, including the existing core path, will be well overlooked by new housing. The proposed layout provides a clear hierarchy of access routes across the site.

Car parking will be provided at a rate of one parking space per home plus an additional provision of 14 visitor parking bays. This will include disabled provision, electric vehicle charging provision and city car club spaces. The majority of parking provision will be in private driveways with some on street bay parking also provided.

Cycle parking will be accommodated within private garden grounds which will have capacity to meet the requirement for two cycle parking spaces per property.

All new houses are located within 400m of regular public transport links and local amenities.

A landscaping scheme has been submitted in support of the application and provides a range of landscape proposals. This includes improvements to the existing landscape structure and footpath corridor to the east of the site, a 4m wide landscape corridor along the south of the site, a SUDs area, an informal seating area in the centre of the site and a linear play trail located adjacent to the existing footpath in the east of the site. New tree planting and landscaping features within the streetscape are proposed across the site. The total area of open space (excluding private gardens) provided across the site will be approximately 0.67 ha (40% of the overall site area).

The proposed Sustainable Urban Drainage system will comprise an over ground SUDs basin located in the north east of the site. This will be landscaped to provide good visual amenity and biodiversity opportunities.

Supporting documents

The following documents have been submitted in support of this application;

- Air Quality Assessment;
- Design & Access Statement;
- Surface Water Management Plan;
- Landscape Appraisal;
- Noise Impact Assessment;
- Preliminary Ecological Appraisal;
- Planning Statement;
- Site Investigation Report / Mining Report;
- S1 Sustainability Statement;
- Transport Statement;
- Tree Report;
– Open Space, Landscape and Natural Heritage Appraisal and
– Sunlight assessment.

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 in this location;
b) the design, scale, layout and materials are acceptable;
c) the proposed landscape arrangements are appropriate;
d) access arrangements are acceptable in terms of road safety and public transport accessibility;
e) the flooding and drainage arrangements are acceptable;
f) the proposal is detrimental to the amenity of neighbours or occupiers of the new development;
g) the proposal meets the sustainable standards in the Edinburgh Design Guidance;
h) infrastructure and affordable housing;
i) material representations or community council comments raise issues to be addressed;
j) the proposals have any equalities or human rights impacts and
k) there are any other material considerations.

a) the principle of the development is acceptable in this location;

Proposed Residential Use

The application site is located within the Urban Area of the Edinburgh Local Development Plan and is currently identified as an area of open space in the Edinburgh Open Space Audit (2016). Within the Urban Area, a range of uses including residential are supported where they accord with other policies in the plan. Criterion (d) in part 2 of Policy Hou 1 of the LDP gives priority to the delivery of housing at sites in the Urban Area, subject to compatibility with other policies in the LDP.

With regards to the intended residential use, development of the site will provide 53 dwellings, which will contribute to the overall shortfall of housing supply within the city.
Thirteen of these will be affordable homes (25%). The site is surrounded by a mixed hinterland of residential properties, open space and retail uses and is sustainably located, within close proximity of local retail provision at the Asda supermarket at The Jewel (100m east of the site) and retail and leisure provision at Fort Kinnaird (400m south east of the site). There are several frequent bus routes serving the local area, which provide excellent public transport accessibility to and from the site. The site provides a highly accessible location, where housing development would be a compatible use within the wider urban context.

It is considered therefore that the site does meet the requirements of policy HOU1, subject to compatibility with other LDP policies.

**Loss of Open Space**

As the site contains an area of designated open space, the provisions of policy Env 18 Open Space Protection are applicable. Policy Env 18 notes that proposals involving the loss of open space will not be permitted unless certain criteria can be met. These are noted as follows;

- *The consideration of the impact on the quality or character of the local environment;*
- *That the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; (and)*
- *The loss would not be detrimental to the wider network including its continuity or biodiversity value (and either);*
- *There would be a local benefit or either alternative provision being made or improvement to an existing open space, or;*
- *The development is for a community purpose and the benefits to the local community outweigh the loss.*

These criteria are assessed below;

- **a) The consideration of the impact on the quality or character of the local environment;**

The development will allow pedestrian access to continue across the site using the core path route. A green corridor will be retained alongside the core path route, which will allow the semi-natural characteristics of this route to be largely retained. It is acknowledged that the introduction of housing overlooking the western edge of the footpath will change the character of the footpath to some degree, by removing the extent of open space on the western edge and green nature of this edge. This will result in a change in the character of the footpath, by introducing a more visibly urban character to its western edge.
The proposed site layout has been designed to ensure that new properties will front onto the footpath, which will create a positive interface between properties and the footpath. Therefore, whilst the existing more enclosed nature of the footpath would be lost to the west, the footpath would benefit from improved overlooking and natural surveillance from properties, which is beneficial to the safety of the path and appropriate given the urban context of the site.

The proposed residential development is therefore considered to be compatible with the character of the surrounding area and will have no detrimental impact on the overall quality or character of the local area. It meets the provisions of part (a) of policy ENV18 in this regard.

b) That the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; (and)

The existing open space on the site is identified in the Edinburgh Open Space Audit 2016 (site reference NAT 18) and is classified as "other semi-natural greenspace" which describes a range of character types of open space including woodland, open water and open semi-natural environments. The open space is rated as low quality in the audit. The site is currently overgrown and is largely inaccessible to members of the public due to the extent of unmanaged scrub cover. The usable space on site is largely confined to the footpath in the east of the site. The condition of the land is such that it does not offer an area of high amenity value to the wider community, and is known locally for problems with dumping waste and anti-social behaviour. It is currently of limited value to the local community.

The Edinburgh Open Space Standard 2021 sets the following standards for open space access;

- **Large Green Space standard** - all homes to be within 800m walking distance of an accessible large greenspace of at least 2 hectares.

- **Local Green Space standard** - all homes to be within 400m walking distance of a "good" quality accessible greenspace of at least 500 sq m.

- **Play Access Standard** - a play space of "good" play value within at least 800m walking distance or; a play space of "very good" play value within 1200m walking distance or; a play space of "excellent" play value within 2000m direct distance.

The North East Locality Open Space Action Plan assesses the provision of open space across the locality area. The locality area covers a large part of the city, extending from Leith in the north to Edmonstone in the south. The headline figures of this assessment identify a shortfall in provision in large, local and play areas of open space across the North East locality as a whole. However, the immediate local area around the site (i.e. the area to which the distance standards set out in the Open Space Standard 2021 criteria above would apply) shows a different position. The contribution that the open space on the site makes to meet the open space access standards is assessed as follows.
The existing open space provision on the site is less than 2 hectares, therefore it does not currently contribute to the Large Green Space standard. The site has therefore not been assessed against this standard.

It is noted however that improvements to open space provision have been undertaken in this part of the locality during the period between the last two open space audits (2010 - 2016). During this time, improvements have been made at The Jewel Park and Hunters Hall Park, which are located 400m and 800m respectively from the site. These improvements mean that almost all houses within the 800m catchment identified in the Open Space Standard currently have access to a Large Green Space. New housing proposed as part of this application would also meet the Large Green Space Standard.

Local Green Space standard

The area of existing open space being considered in this application is categorised as a local green space. In order to assess the impact of the loss of this open space for housing, the Edinburgh Open Space Standard 2021 has been applied to housing in the immediate local area that is currently served by it i.e. housing within a 400m walking distance of the site.

A local green space is required to be a minimum of 500 sq m. The retained open space on site will amount to 0.67ha. This remaining provision will continue to exceed the amount of open space provided on the site. Therefore, there will be no impact on the number of dwellings in the local area that currently meet the standard.

Furthermore, the proposed development will enhance the provision of open space that is provided on site, through improved maintenance and management of the landscape.

On balance, it is considered that whilst there will be a reduction on the amount of local green space available on this site, the improvement in the quality of the local green space, and the fact that all existing and new residents will have increased access to it through a proper maintenance approach will result in an overall improvement to the local green space provision.

Play Access Standard

The existing open space on the site does not include any play equipment, and therefore makes no contribution to the play access provision at present. The North East Locality Open Space Action Plan identifies a shortfall in play access provision in this area of the locality, showing a cluster of housing to the immediate south of the site, and a further area of housing to the west of the site which does not currently meet the standard. Both areas are located within 800m of the site.

The proposed provision of play would contribute to meeting this shortfall, and benefit existing and new residents in the immediate area. The applicant is committed to providing a range of high quality play facilities on the site. A condition will be added to this consent to agree the exact specification of play equipment with a view to achieving a play area which meets the "good" play value standard.
c) The loss would not be detrimental to the wider network including its continuity or biodiversity value (and either);

A biodiversity appraisal for the site has been submitted in support of this application. The report identifies that the removal of an area of open space has the potential to impact on habitat for a range of species including bats, otters, badgers, hedgehogs and birds.

The proposed layout has been designed to allow for a green corridor to be provided along the eastern edge of the site. This corridor provides a continuous green connection between Magdalene Glen to the north and the railway corridor to the south of the site. A SUDs area is located in the northern part of this corridor, which provides new opportunities for the existing biodiversity mix within the site to diversify further. The landscape strategy for the green corridor proposes additional under storey planting to the existing landscaping along this edge which improves opportunities for biodiversity along this area.

The site layout has been amended during the assessment period to include a 4m green buffer running from west to east along the southern boundary of the site. This will sit adjacent to the existing railway corridor, which provides a further green corridor out with the site boundary. This green corridor will be planted with a range of small tree species, which provide an appropriate mix of species native to the local area. These will allow a continuous green connection between the green corridor at the east of the site and the adjacent woodland to the immediate west of the site.

Within the housing layout, the landscape strategy has been improved during the assessment process to include an increased proportion of planting, introduce hedging as boundary treatments and increase the number of proposed new trees. An additional area of green space has been added in the centre of the site to provide a seating area. A range of small trees, shrubs and planting is proposed which will provide a good mix of native species across the site.

Throughout the development, site plots are proposed to include small fruit-producing trees to encourage bird and insects, and decorative shrub planting and hedging to increase these opportunities. Native hedgerows, wildflower meadow grassland, dense areas of shrubs are included in the landscape, which will support species and habitat diversity on site. The proposed landscaping on site will be maintained as part of an ongoing landscape strategy which will encourage natural colonisation and include varied mowing regimes to further encourage biodiversity.

A tree survey has been undertaken for the site which identifies 122 trees on the site. The proposals will remove 46 individual trees, as well as three groups of smaller trees/shrubs. The trees for removal are identified as being predominantly young, semi-mature and self-seeded trees. Seventy-six existing trees on the site will be retained, and an additional 85 trees are proposed as part of the landscape strategy. The replacement trees will be more appropriate native species which will provide an overall greater variety in age and structural diversity across the site than currently exists. The loss of trees on the site is considered to be acceptable in this case, given their replacement with an increased number and improved variety of trees.
It is considered that the proposed landscape strategy will support a continuous green connection through the site and provide connections with the wider landscape network. The species mix for the site will be improved through the implementation of a landscape strategy which focuses on supporting the retained areas of the existing habitat and introducing a range of additional native species that have been selected for the site. The introduction of a wetland area around the SUDs pond provides opportunities for new species to naturalise within the site. The applicant has agreed to the inclusion of swift bricks within the housing development and an informative will be added to any consent to this effect. On balance, it is considered that the proposed strategy provides an appropriate level of biodiversity value and would not be of detriment to the wider green network.

**d) There would be a local benefit or either alternative provision being made or improvement to an existing open space, or;**

The existing open space on site is currently underused by the local community and was identified in the pre-application consultation process as being a concern to a number of local residents, due to the existing appearance of the site and ongoing incidences of dumping and anti-social behaviour on the site. The proposed development will remove the opportunity for this behaviour to continue, by providing new housing which will revitalise the site, and provide overlooking for public spaces.

The development will allow for natural surveillance of the core path through the site, which will make this route safer and encourage increased use of the path. In addition, the existing desire line which runs from Corbieshot across the site to the core path will be formalised as part of the site layout, which allows for improved access and permeability across the site for existing and new residents.

The existing open space is rated at "poor" within the Council's Open Space Audit (2016). The proposed development will allow for the areas of retained open space to be significantly improved in terms of their species mix and ongoing maintenance in the future. In addition, the proposal will introduce new play equipment into the retained area of open space, which will further improve the quality of the space and provide a local benefit to existing and new residents. On this basis, it is considered that the development meets the requirement of Policy ENV 18 in this regard.

**e) The development is for a community purpose and the benefits to the local community outweigh the loss.**

It is not required to assess the proposals against part (e) as noted above as it is considered that the provisions of part (d) of the policy has been met above.

In assessing this proposal against the provisions of policy ENV 18, the loss of this area of open space has to be balanced against the proposal to provide new housing in a sustainable location within the city and the proposed improvements to the remaining open space.
The loss of open space will not impact adversely on the existing Open Space Standard for access to Local Green Space, as a significant area of open space will be retained on the site. The existing open space is not currently well used and is known as a location for antisocial behaviour. The proposed open space will be overlooked by new housing, maintained and will not provide the same opportunity for antisocial behaviour. Green connections will be maintained across the site to surrounding areas of open space. In addition, new play facilities will be provided which will contribute to addressing the existing shortfall in provision in the local area.

Accordingly, the proposal is deemed to meet the requirements of Policy ENV18 and is acceptable in this location subject to compliance with other detailed provisions of the development plan.

The design, scale, layout and materials are acceptable:

(i) Context

In assessing the scale, layout and design of the proposals, LDP policies Des 1 (Design Quality and Context) to Des 8 (Public Realm and Landscape Design) provide a robust framework along with the Edinburgh Design Guidance.

Policy Des 1 (Design Quality and Context) requires that proposals will create or contribute towards a sense of place, drawing on positive characteristics of the surrounding area. The surrounding built environment is largely characterised by a mix of detached and semi-detached properties to the west, large scale retail uses to the east and south east, rail line to the south and the Magdalene Glen open space to the north.

Development on the site will be visible from the north and west and will sit adjacent to the existing residential area at Corbieshot. This context is appropriate for additional residential development and the proposal is not considered to have a negative impact on the overall character of the area. Views into the site from the core path will change, as much of the existing open space will be removed. Given the existing poor condition of this open space, and proposed improvements to the quality of open space that will be provided on site, it is considered that the development will have an overall positive impact on the context of the footpath, and its attractiveness to pedestrians and cyclists. This will be beneficial in encouraging active travel across the site.

The proposed layout complies with LDP policies Des 4 (Impact on Setting) and Des 5 (Amenity) by providing an appropriate network of streets and open spaces which are well overlooked by residential properties. The positioning of houses has been considered to ensure that properties on key corners include gable windows which will help to activate these corners. In addition, those houses located on the end of terrace blocks have been orientated to face the street frontage to improve overlooking of these routes and provide greater interest within the site layout and to ensure that the core path is well overlooked.
Gable windows have been provided in dwellings located at key corners within the development which provides additional activation of frontages. Several properties have been positioned to ensure that they provide a frontage to the adjacent footpath. This provides the opportunity for natural surveillance over the footpath, public areas and the play areas to the east of the site.

A strategy of boundary treatments has been proposed which provides good definition between public and private spaces, as required by Policy Des 5 (Amenity). It provides a legible environment which connects new housing to the existing street network effectively, in accordance with Policy Des 7 (Layout Design) and formalises existing desire lines across the site to improve pedestrian movement.

The retention of a green corridor along the eastern edge of the site will form an appropriate transitional area between the site and the adjacent retail area. The green corridor will also play an important role in maintaining a green connection through the site from north to south which will allow for continuity in the landscape character between the existing open space at Magdalene Glen to the north and the retained woodland area to the south west of the site, and railway corridor which run to the south of the site.

It is recognised that the loss of part of the site as open space which change the character of the site however the proposed replacement housing on part of the site will sit within a well landscaped environment which is considered to be appropriate in relation to the surrounding residential character. The proposed layout is therefore considered to be acceptable.

(ii) Density, design, height and materials

Policy Des 4 (Impact on Setting) requires that proposals respond positively to the surroundings in relation to height and form, scale, proportions, positioning and materials.

A total of 53 houses are proposed for the site, which equates to a density of 31 units per hectare. All housing will be two storeys in height. Proposed site levels and sections have been assessed and are satisfactory.

The proposed mix of the development housing is appropriate in relation to its setting in the local and wider environment. Twelve house types are proposed ranging from one-bedroom cottage flat to four-bedroom detached houses. The mix of flats and houses sizes provides an appropriate range of properties which will attract a mixed range of occupiers and contribute positively to the LDP's sustainability objectives.

The affordable housing provision (thirteen dwellings) includes a mix of one, two and three bedroom properties. Four of these dwellings will include three bedrooms. The unit sizes meet the standards set out in the Edinburgh Design Guidance and are acceptable. The Council's Affordable Housing officers support the mix of affordable housing proposed within the scheme and have no objection to this application.
The proposed palette of materials including white render, buff brick, grey concrete roof tiles and grey/black detailing in the windows and other external treatments on the houses is appropriate for this location and is acceptable. The final specification of materials will require to be determined via a condition attached to the permission.

The heights of the proposed units reflect heights both in terms of the existing residential development and the residential development currently under construction in the site to the west.

The proposed mix of materials is appropriate for this location and will provide a reasonable fit with the adjacent residential development.

The proposed layout, design, heights and materials are acceptable.

c) The proposed landscape arrangements are appropriate:

Overall landscape strategy

A landscape strategy has been submitted in support of the application. This has been amended during the assessment process to increase the quantity of planting provided within the site, and to improve the mix of species proposed. In addition, the scheme has been amended to include a 4m landscape strip along the southern edge of the site and a small area of central open space.

The majority of the open space proposed within the site lies along the eastern edge, forming a green corridor along the edges of the existing footpath. This provides a linear green space which includes improvements to the existing landscaping character through the addition of understorey planting to improve the habitat connections and new tree planting on the embankment to the east to create a more continuous canopy connecting with the SUDs basin in the north of the site. The SUDs basin will be planted with an appropriate seed mix of grasses and wildflowers which will create further habitat opportunities.

The enhancements to the landscape structure along the existing core path corridor along with improvements to the quality of the path through improved lighting and natural surveillance will have a positive impact on the quality of the path by improving its landscape diversity and safety for pedestrians and cyclists.

The landscape strip along the southern edge of the site will sit between the rear boundaries of houses and the existing railway line. This will be planted with a mixture of hedgerow planting and small trees. It will provide a range of habitats at both low and high levels which will allow for a green connection to establish from east to west across the site between the north to south green corridor and the existing woodland area to the immediate south west of the site. This will provide an acceptable level of green continuity across the site and into the surrounding habitat areas of the woodland and railway corridor to the south and Magdalene Glen to the north.
A central seating area has been added to the landscape strategy during the application assessment period to improve green connections from the woodland corridor to the east of the site into the housing area itself. Within the site plots, the landscape layout provides for individual small trees and a quantity of shrubs and hedges planting to ensure that the green connections across the site stretch into the streets themselves. A mix of mowed and meadow grass is proposed across the site which will provide further opportunity for biodiversity enhancement.

The mix of planting species selected has been prepared specifically for this site in order to best promote the habitat objectives set out within the supporting ecology study, and to ensure that the loss of open space across the site as a whole is compensated with the implementation of a high quality landscape strategy which will improve the overall mix of native species and allow for biodiversity opportunities across the site to continue.

The proposal will result in the loss of 46 trees on the site, which are self-seeded and mainly young trees. The landscape strategy proposes that 85 new trees will be planted which are of an appropriate native species mix suitable for this location. The loss of trees from the site is acceptable in this context.

An informative is recommended requiring that tree protection measures must be undertaken in proximity to existing trees retained on site.

Private open space

Each property has been provided with private gardens to the rear which provide them with adequate private amenity space. In addition, there is significant provision of open space of an improved quality from that existing on site at present which will provide an additional resource and amenity to residents.

Play equipment

A trim trail concept is proposed for the two play areas on the site which includes a mix of equipment set out in a linear form which will sit adjacent to the core path running through the site. This will provide play opportunities for children covering a range of ages and will assist in addressing the existing shortfall in play equipment in the local area identified within the North East Locality Open Space Action Plan. Seating areas are provided beside each of the trim trail areas.

Summary

The proposed landscape strategy will help to create a distinctive and pleasant space to live. The landscape strategy has been developed to increase the level of native species on the site, and to allow continued habitat and biodiversity connections to be provided across the site. The proposed landscape strategy is acceptable, and a condition is recommended to ensure the implementation of the landscaping at appropriate stages of the development and continued maintenance following completion of the scheme.
d) Access, road safety and parking arrangements

**Transport impacts**

Policy Tra 1 of the LDP aims to reduce travel demand and encourages accessibility to major development by modes alternative to the car. A Transport Statement has been submitted in support of the application which concludes that the traffic estimated to be generated by the proposed development will have no noticeable effect on the operation of the surrounding road network. The site is located immediately adjacent to The Jewel, which provides a frequent bus service. Brunstane rail station is located approximately 400m to the north east of the site. The site is therefore well located for public transport accessibility. The Roads Authority has raised no objections to the application in this regard.

**Access**

Vehicular access to the site will be taken via the Jewel, to the immediate north of the site. The new access road will be overlooked by new housing to the west. The proposed access layout will require the existing bus stop and associated infrastructure on The Jewel to be relocated, but this will remain in close proximity to the existing location and will not impact adversely. A condition will be added to the permission to ensure that these works are approved by the local authority and completed prior to the occupation of dwellings on the site. A Quality Audit will also require to be undertaken prior to the grant of Road Construction Consent.

The street network provides a clear hierarchy of routes across the site. Areas of shared surface will be provided in parts. An existing desire line which runs from Corbieshot across the site to the footpath in the east will be formalised through the formation of the new road network and will allow for improved access from the existing residential area at Corbieshot to the core path and connections eastwards to the Asda supermarket.

The existing pedestrian footpath through the site (Core Path CEC5) will be retained, with minor realignments in part. The provision of housing on the site will facilitate the improvement of the footpath by improving the quality of landscaping along its edge and increasing natural surveillance of the path from overlooking housing to the west. This will encourage use of the footpath and create a safer and more welcoming route for pedestrians and cyclists.

The proposed access arrangements for the site are acceptable.

**Parking**

The development layout shows one parking space per home plus an additional provision of 14 visitor parking bays, four of which will also be designed to accommodate disabled users, and two of which will be provided for City Car Club spaces. This falls within the maximum parking standards set out within the Edinburgh Design Guidance. In areas of communal parking electric vehicle charging provision will be provided in line with Edinburgh Design Guidance (i.e. one charging point per six spaces).
Cycle parking provision for the scheme meets the requirements of the Edinburgh Design Guidance (two cycle spaces per property) and can be accommodated within individual garden grounds of each property.

The car and cycle parking strategy for the development is acceptable.

There are no Transport objections to the proposal subject to the recommended informatives. The proposal complies with Local Development Plan Transport policies and is acceptable.

e) The flooding and drainage arrangements are acceptable:

LDP policy Env 21 aims to ensure that the development will not result in an increase in flood risk for the site being developed or elsewhere.

The application is supported by a Flood Risk Assessment and a Surface Water Management Plan. Flood Prevention has reviewed the proposals and has confirmed that it is satisfied with the scheme and its associated flooding self-certification report. There are no other flooding issues of concern and the proposal complies with LDP policy Env 21.

f) The proposal is detrimental to the amenity of neighbours or occupiers of the new development:

Policy Des 5 (Amenity) relates to the amenity of existing and future occupiers and seeks to ensure that new development does not result in detrimental impacts on local existing and proposed amenity of residents including daylight, sunlight, overshadowing, privacy and noise.

Existing residents

There are existing residents located on the Corbieshot development, to the west of the site boundary. New development is located an acceptable distance from existing properties and provides a reasonable level of privacy between existing and new homes. There are two rows of terraced properties (plots 9 to 17) which are positioned more closely to the existing site boundary and adjacent properties at Corbieshot, however the gable ends of these blocks will face onto the existing properties and will not impact on the privacy of existing properties.

An assessment of sunlight to those existing properties on Corbieshot sitting closest to the above noted terraces (plots 9 to 17) has been submitted by the applicant. This identifies that the garden grounds of five properties at Corbieshot will receive a reduced amount of sunlight between 9am and 11am as assessed on the spring equinox. There will be no change to the sunlight received by these properties for the rest of the day. This impact is considered to be relatively minor and is acceptable.
Future residents

*Privacy*

The layout allows for a reasonable distance to be provided between habitable rooms in buildings whilst achieving an appropriate density of development and is acceptable.

*Open Space*

The total green space proposed on the site is approximately 40% of the total site area (excluding private garden grounds). This exceeds the requirements of policy Hou 3 (Green Space in New Developments) and is acceptable. Private garden grounds are provided for all houses. The provision of open space on the site includes a good mix of landscape species and character areas and provides good amenity value to properties.

*Sunlight to garden grounds*

The Council's Edinburgh Design Guidance recommends that half of new gardens spaces should be capable of receiving at least three hours sunlight during the spring equinox.

A sun path analysis has been provided for the proposed development which illustrates that all south, west and east facing gardens (39 properties) will receive over three hours of direct sunlight exposure during the spring equinox. Fourteen properties have north facing rear gardens. The analysis demonstrates that one of these properties will receive over three hours of direct sunlight exposure to rear garden grounds during the sun equinox. A further four of these properties will receive sunlight to their front garden areas during this time. Therefore, nine properties will have a shortfall in the recommended sunlight exposure to garden grounds.

The assessment notes that these properties with a shortfall will receive over eleven hours of sunlight during the summer months. Given the relatively small number of properties that are affected, and the overall provision of open space across the site as a whole, this shortfall in sunlight amenity is considered to be acceptable in this instance.

*Accommodation Space Standards*

All properties meet the minimum space standards for accommodation set out within the Edinburgh Urban Design Guidance and are acceptable.

*Noise*

The applicant has submitted a supporting noise impact assessment which includes detailed surveys on the development site, measuring noise from rail, traffic, supermarket operations, petrol filling station and car valeting facilities located in close proximity to the site. The results of the noise impact assessment highlight that the noise levels from these sources will not adversely impact the proposed residential units if developed out in accordance with the submitted plans. Environmental Protection has
reviewed this assessment and is satisfied that there will be no adverse impacts on new residents on the site from these sources. This is acceptable.

Waste arrangements

Refuse and recycling facilities will be provided within rear garden grounds for houses. A swept path analysis has been completed and Waste Services is satisfied within the proposed waste management strategy. The proposed waste management strategy is acceptable.

g) The proposal meets the sustainable standards in the Edinburgh Design Guidance:

The applicant has submitted a sustainability statement in support of the application. The application is classed as a major development and has been assessed against Part B of the standards.

The points achieved against the essential criteria are set out in the table below:

<table>
<thead>
<tr>
<th>Essential Criteria</th>
<th>Available</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1: Energy Needs</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Section 2: Water conservation</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Section 3: Surface water run off</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Section 4: Recycling</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Section 5: Materials</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Total points</td>
<td>80</td>
<td>80</td>
</tr>
</tbody>
</table>

The proposal meets the essential criteria in terms of energy needs and satisfies policy Des 6 of the Local Development Plan.

h) Affordable housing and infrastructure

Affordable Housing

Thirteen affordable houses are proposed on site which equates to 25% of the total housing provision, meeting the requirements of policy Hou 6 Affordable Housing in the LDP. These will be a mix of one, two and three bedroom homes. The affordable housing provision will be tenure blind. The Council’s Affordable Housing officers are satisfied with the proposed affordable housing provision for the site.

Education

Residential development is required to contribute towards the cost of the required education infrastructure to ensure that the cumulative impact of development can be mitigated. The site falls within the within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.
Contributions are required towards education actions in the Castlebrae Education Contribution Zone. The level of education infrastructure has been taken from the finalised Supplementary Planning Guidance Action Programme (January 2019) which equates to £320,264. A legal agreement is recommended to secure the required contribution.

**Transport**

A number of transport contributions are also identified as informatics attached to this application. These include provision for footway works, waiting/loading works, implementation of a 20mph limit and provision of two city car club vehicles. The transport contributions in this regard equal £18,500.

**i) Material representations or community council comments raise issues to be addressed:**

No comments have been received for this application.

**j) The proposals have any equalities or human rights impacts; and**

The application has been assessed and is not found to have any impacts on equalities or human rights. All homes will be provided with level access entrances and the development will be required to meet with current building standards.

**k) there are any other material considerations.**

**Coal Authority**

Coal Authority records identify that the application site falls within the defined Development High Risk Area and is specifically noted as being in an area where unrecorded coal mining at shallow depth may be present.

The applicant has submitted a Coal Mining Risk Assessment Report which concludes that the application site is potentially at risk from mineral instability. Site investigations have identified indicative shallow mine workings within the site. Remedial measures will therefore require to be undertaken prior to the development of the application site. A condition is proposed for the application to ensure that these measures are undertaken to the satisfaction of the Coal Authority. The Coal Authority has no objection to the application of the basis that this condition is imposed and the requirements of it are met in full.

**Environmental Protection**

**Site Investigation**

The applicant has submitted an initial Site Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition be attached to any consent to ensure that the contaminated land is fully addressed.
Air Quality

The site is well positioned in relation to the existing public transport network and provides good opportunities for travel on foot and by cycle. A range of sustainability measures are integrated into the development. Given the provision of private parking within the development, Environmental Protection has advised of the requirement to install electric vehicle charging points in accordance with the Edinburgh Design Standards and install low NOX boilers to the residential properties. The applicant has agreed to these requirements in principle and a condition and informative will be added to the consent to this effect.

Archaeology

With regards to archaeology, the site is regarded as occurring within an area of archaeological potential, therefore it is essential that an archaeological mitigation strategy is undertaken in this area prior to development. Therefore, following the advice of the city archaeologist, a condition is recommended to ensure that a programme of archaeological works is carried out prior to the commencement of development.

Conclusion

The development of 53 dwellings on the site will contribute to the city's housing needs in an accessible and sustainable location. The existing open space on site is of limited amenity and leisure value to the local community and the proposed development will help to deliver an improved quality of open space within part of the site. The proposed landscaping strategy for the site will have an acceptable impact on the existing habitat and biodiversity mix and will provide an enhanced species mix across the site. The existing core path through the site will be retained and improved. The proposed layout will provide a clear hierarchy of routes through the site and will improve pedestrian connections across the site from the wider area. An appropriate mix of housing types will be provided, including affordable housing. The proposal will provide an appropriate level of amenity to existing and future occupiers. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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. All private driveways shall be served by at least a 13-amp 3Kw (external three pin-plug) with capacity in mains for 32-amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.

3. Prior to the commencement of works on site, information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations) shall be submitted for approval. Further to this, the remediation measures shall be implemented.

4. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, recording and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

5. The approved landscaping scheme shall be fully implemented within six months of the occupation of the residential properties.

6. An ongoing programme of landscape maintenance shall be delivered for a ten year period following implementation of the approved landscaping works.

7. 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.

8. A full detailed specification, including trade names where appropriate, of all the proposed external play equipment shall be submitted to and approved in writing before work is commenced in site.

9. Detailed plans will be submitted for approval by the road’s authority for the relocation of the existing bus gate and bus stops on the Jewel prior to the commencement of development on site.

10. The revised position of the existing bus gate and bus stops on The Jewel will be implemented prior to occupation of the first dwelling house on site.

**Reasons:**

1. In order to ensure that the site is suitable for redevelopment.
2. In order to ensure that adequate provision for electric vehicle charging is provided on site.

3. In order to ensure that the site is suitable for redevelopment.

4. In order to safeguard the interests of archaeological heritage.

5. In order to ensure that the approved landscaping works are properly established on site.

6. In order to ensure that the approved landscaping works are properly maintained on site.

7. In order to enable the planning authority to consider this/these matter/s in detail.

8. In order to enable the planning authority to consider this/these matter/s in detail.

9. In order to enable the planning authority to consider this/these matter/s in detail.

10. In order to enable the planning authority to consider this/these matter/s in detail.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, healthcare, affordable housing and transport has been concluded and signed. The legal agreement shall include the following:

2. Education: A financial contribution is required to Communities and Families to ensure that the cumulative impact of the development can be mitigated. A contribution of £320,264 is required towards actions in the Castlebrae Education Contribution Zone (Sub-Area C-2).

3. Affordable Housing: 25% of the total number of residential units shall be developed for affordable housing provision.

4. Transport: (a) A financial contribution of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

(b). A contribution of £2,000 to progress a suitable order to introduce waiting and loading restrictions and parking spaces as necessary;

(c). Contribute the sum of £2,000 to promote a suitable order to introduce a 20mph 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; and
(d). In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. 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.

4. 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.

5. a) 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 the proposed junction design includes the safe relocation of the existing bus stop and associated infrastructure at no cost to the Council. The applicant is also recommended to contact the Council's waste management team to agree details of refuse collection;

b) A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent. For the avoidance of doubt, the proposed layout is not approved at this stage as a number of detailed matters require redesign, including the provision of on-street parking spaces and cycle / pedestrian links to neighbouring areas;

c) 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;

d) 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;

e) Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed 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 as part of any sale of land or property;

f) 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;

g) 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;

h) The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

6. Development is required to comply with the mitigation recommendations set out in the Preliminary Ecological Appraisal.

7. Swift bricks should be incorporated into the building. Proposed locations should be approved by the planning authority.

8. The applicant is encouraged to provide details of tree-pits in both hard and soft landscape areas to control quality of implementation of new trees.

9. Tree guards or other suitable protection are recommended for trees in public open spaces to protect them from vandalism.

10. Any off-street residential hard standing should be porous to comply with Guidance for Householders (CEC, February 2019).

11. For the avoidance of doubt window materials must be recycled UPVC, timber or aluminium.

12. Low NOX boilers shall be installed in each of the residential properties in the development.
Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Pre-Application Process

The application was subject to pre-application advice.

A Proposal of Application Notice was submitted and registered on 03 December 2018 (18/10006/FUL) and presented to the Development Management Sub-Committee on 9th January 2019.

A public exhibition event was held on 10th January 2019 at the Hays Business Centre, Craigmillar. This was publicised locally prior to the event using posters, leaflets and an advertisement in the Edinburgh Evening News. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community engagement. This is available to view on the Planning and Building Standards Online services.

Public summary of representations and Community Council comments

Neighbour notification was undertaken on 7 June 2019. No comments were received from members of the public regarding the application. No comments were made by Craigmillar Community Council.
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 located in the urban area of the adopted Edinburgh Local Development Plan. The site is allocated as an area of open space (Niddrie Junction West).

<table>
<thead>
<tr>
<th>Date registered</th>
<th>31 May 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drawing numbers/Scheme</td>
<td>01,02B,03C,04B,05B,06A,07A,08-26,27A,28-31,32A,33-42,</td>
</tr>
</tbody>
</table>

### Links - Policies

**Relevant Policies:**

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

- 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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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

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

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 Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.
LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

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 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.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

**Relevant Non-Statutory Guidelines**

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.

**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 19/02600/FUL at Land East of Corbieshot, Corbieshot, Edinburgh. Residential development (53 dwellings), associated access arrangements, roads, open space, landscaping and infrastructure works (as amended).

Consultations

The Coal Authority

Residential development (54 dwellings), associated access arrangements, roads, open space, landscaping and infrastructure works; Land east of, Corbieshot, Edinburgh

Thank you for your consultation letter of 20 June 2019 seeking the views of The Coal Authority on the above planning application. The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Specifically, our records indicate likely unrecorded coal mining at shallow depth beneath the application site.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment Report (Mason Evans, February 2019) which accompanies this planning application.

Following a review of coal mining information, it was concluded that the application site was potentially at risk from mineral instability. Therefore, the applicant undertook intrusive site investigations to determine the presence or otherwise of shallow coal mine workings. Nine boreholes were sunk within the application site boundary to a depth of 30m bgl. These boreholes encountered evidence indicative of shallow mine workings. The report recommends that remedial measures, comprising of drilling and grouting, will be required prior to the development of the application site.
The Coal Authority concurs with the conclusions and recommendations of the Coal Mining Risk Assessment Report (Mason Evans, February 2019) which accompanies this planning application. The exact form and extent of remedial measures need to be agreed with the Permitting Section of The Coal Authority as part of the applicant's permit application. These remedial measures should be prepared and conducted by a suitably competent person. In addition, it would be prudent if consideration was also afforded to the risk posed by mine gas to the application site and proposed development.

The Coal Authority Recommendation to the LPA;

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site remedial works prior to commencement of development. This is to ensure the safety and stability of the proposed development.

A condition should therefore require prior to the commencement of development:

- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Please do not hesitate to contact me if you would like to discuss this matter further.

Transportation Planning

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. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.
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 the proposed junction design includes the safe relocation of the existing bus stop and associated infrastructure at no cost to the Council. The applicant is also recommended to contact the Council’s waste management team to agree details of refuse collection.

3. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent. For the avoidance of doubt, the proposed layout is not approved at this stage as a number of detailed matters require redesign, including the provision of on-street parking spaces and cycle / pedestrian links to neighbouring areas.

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. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed 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 as part of any sale of land or property.

7. 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.

8. 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.
9. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:
Car parking provision is 1 space per unit plus 14 on-street spaces, including 4 disabled spaces, 2 car club spaces and 8 electric vehicle spaces.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for residential development (54 dwellings), associated access arrangements, roads, open space, landscaping and infrastructure works

The site occurs on the Lothian coastal plain to the west of the historic Estate of Brunstane and mining village of Newcraighall. This area is known as an area associated prehistoric occupation and with historic mining thought to date back to the 12th/13th century. The scale of this pre-industrial mining is only just to coming to light due to recent (2014-16) excavations carried out by GUARD during housing development being carried out to the north and SE of the village and by Geophysical surveys by CFA to the North of Brunstane House. Both site’s where shown to contain extensive areas of previously unknown late/post-medieval mine workings alongside more modern 19th and 20th century remains. The 1st Edition OS map records mine shafts close to this site which not only indicates the sites potential for 19th century industrial archaeology but potential for earlier mining

Accordingly, this site has been identified as occurring within an area of archaeological potential. This application must be considered under the 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 proposed area has remained undeveloped and may therefore contain significant remains associated with the area’s pre-industrial (pre-19th century) mining heritage as well potentially earlier prehistory remains. Accordingly, it is essential that programme of archaeological works is undertaken prior to development in order to fully excavate and recording any surviving archaeological remains, including those relating to the site’s mining heritage.

This will require a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site undertaken prior to the submission of subsequent AMC and or FUL applications. The results of which will determine the scope of mitigation strategies required to ensure the protection and/or the excavation and recording of any surviving archaeological remains during the subsequent phases of development. This will also include analysis of any mine remediation works carried out to determine depth and extent of such workings.
It is recommended that the following condition is attached in order fully record these important industrial buildings but also any associated buried remains as follows;

'No development shall take place on the site until the applicant has secured the implementation of programme of archaeological work (excavation, recording and analysis, 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.

Environmental Assessment

Response 1 (26 August 2019)

The proposal is for residential development in an area that is currently vacant ground. The application site is located west of the supermarket car park (car wash, recycling and petrol station), east of private housing on Corbieshot, south of The Jewel and north of the railway line.

Environmental Protection had advised the applicant during the pre-planning stage that supporting information will be required in the form of a noise impact assessment, air quality screening report and site investigation initial assessment.

The applicant has submitted a Site Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

The applicant has also submitted a supporting noise impact assessment and an air quality screening assessment. Environmental Protection has reviewed these documents and accept their findings.

The noise impact assessment has involved carrying out detailed noise surveys on the development site. They have gathered noise measurement from rail, traffic, supermarket operations, petrol filling station and car valet services. The results of the noise impact assessment highlight that the noise levels from these sources will not adversely impact the proposed residential units if developed out in accordance with the submitted plans.

With regards local air quality impacts the applicant has highlighted in the Design and Access Statement that sustainability has been an inherit part of the design process. Furthermore, the site is well situated in relation to the existing transport network. A series of footpaths, footways and usable cycle links exist in the surrounding area offering connections with the wider network. The site is well-located for access to public transport services with local bus routes.
The applicant was advised during the pre-planning stage to keep the car parking numbers down to a minimum. The plans show that conventional front driveway parking is proposed therefore the applicant must ensure that as a minimum they install electric vehicle charging points in accordance with the Edinburgh Design Standards and install low NOX boiler to the residential properties. Due to the layout of the parking and considering the total numbers of parking spaces Environmental Protection would want the applicant commit to providing 100% of the driveways serving each property with an electric vehicle charging point. A standard 13-amp external charger (three-pin socket) serving all the drive ways should be provided. An option to upgrade this to a 32-amp 7Kw charger with type 2 socket should be provided to tenants with capacity provided in each switchboard. This should be conditioned.

Therefore, Environmental Protection cannot fully support this application.

1. 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. All private driveways shall be served by at least a 13-amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.

Response 2 (28 October 2019)

The proposal is for residential development in an area that is currently vacant ground. The application site is located west of the supermarket car park (car wash, recycling and petrol station), east of private housing on Corbieshot, south of The Jewel and north of the railway line.

Environmental Protection had advised the applicant during the pre-planning stage that supporting information will be required in the form of a noise impact assessment, air quality screening report and site investigation initial assessment.

The applicant has submitted a Site Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.
The applicant has also submitted a supporting noise impact assessment and an air quality screening assessment. Environmental Protection has reviewed these documents and accept their findings.

The noise impact assessment has involved carrying out detailed noise surveys on the development site. They have gathered noise measurement from rail, traffic, supermarket operations, petrol filling station and car valet services. The results of the noise impact assessment highlight that the noise levels from these sources will not adversely impact the proposed residential units if developed out in accordance with the submitted plans.

With regards local air quality impacts the applicant has highlighted in the Design and Access Statement that sustainability has been an inherent part of the design process. Furthermore, the site is well-situated in relation to the existing transport network. A series of footpaths, footways and usable cycle links exist in the surrounding area offering connections with the wider network. The site is well-located for access to public transport services with local bus routes.

The applicant was advised during the pre-planning stage to keep the car parking numbers down to a minimum. The plans show that conventional front driveway parking is proposed therefore the applicant must ensure that as a minimum they install electric vehicle charging points in accordance with the Edinburgh Design Standards and install low NOX boiler to the residential properties. The applicant has committed to providing 100% of the driveways serving each property with an electric vehicle charging point. The applicant is agreeable to this and have already allowed for the services infrastructure serving the site (power) to be upsized to accommodate private EV charging points to every plot. A standard 13-amp external charger (three-pin socket) serving all the driveways should be provided. An option to upgrade this to a 32-amp 7Kw charger with type 2 socket should be provided to tenants with capacity provided in each switchboard. This should be conditioned.

As the applicant has provided further detail and commitment with regards EV charging and gas boiler Environmental Protection now offer no objection subject to the following conditions.

1. 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.
   
i) 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. All private driveways shall be served by at least a 13-amp 3Kw (external three pin-plug) with capacity in mains for 32-amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.

Communities and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 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 2019).

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 finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

50 Houses
4 one bed flats have been excluded from the assessment.

This site falls within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The site was not accounted for in the Council's Education Appraisal.

The established 'per house' and 'per flat' contribution figures for this area within the finalised supplementary guidance are £2,280 (as at Q4 2017) per flat and £12,107 per house (as at Q4 2017).

These figures include a contribution towards the delivery of additional primary school capacity as well as additional secondary school capacity. The primary school actions associated with Sub-Area C-2 relate to Castleview Primary School.

The site is within the catchment area of Niddrie Mill Primary School and St Francis' RC Primary School. No new housing sites were anticipated within the Niddrie Mill Primary School catchment area when the Council's LDP Education Appraisal and Supplementary
Guidance were prepared. Using the pupil generation rates set out in the Council’s Supplementary Guidance, the development would be expected to generate 13 non-denominational primary school pupils and 2 denominational primary school pupils.

Although there is much new housing development happening within the local area, current school roll projections indicate that there will be capacity at Niddrie Mill Primary School to accommodate the 13 additional primary school pupils expected to be generated by his development. The impact of the development on St Francis’ Primary School is not anticipated to be significant. There are no current plans to extend Niddrie Mill Primary School or St Francis’ RC Primary School and the delivery of a new classroom would not be added to the Council’s LDP Action Programme because of this development.

Therefore, the Planning service may decide that if this proposal was known about at the time that the current SG was prepared it is unlikely that a requirement for a primary school contribution from the development would have been established. In these circumstances, the Planning service may determine that a contribution towards the secondary school action within the area is all that is required. Additional secondary school capacity. A contribution based solely on the secondary school action should be based on £980 (as at Q4 2017) per flat and £6,536 per house (as at Q4 2017). In these circumstances, the total contribution for 50 houses would be:

Total infrastructure contribution:

£326,800

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.

Affordable Housing

1. Introduction

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

Housing Management and Development assess housing requirements by tenure to support the city’s Affordable Housing Policy (AHP).

- The AHP makes the provision of affordable housing a planning condition. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

- This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.
2. Affordable Housing Provision

This application is for a development consisting of 54 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (13) homes of an approved affordable tenure.

The applicant has stated that the affordable housing will account for 13 (25%) of the new homes and has had discussions with an RSL to provide on-site affordable housing. However, the initial design of the three-bedroom homes did not meet RSL design standards. Following discussion with the RSL and the Council, the developers revised the design of the three-bedroom homes and these are now acceptable to the RSL.

The applicant has agreed to provide the following;

Four - one bedroom cottage flats
Five - two bedroom houses
Four - three bedroom house.

13 homes for social rent in total.

This is welcomed by the department. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and should also meet the requirements of the Housing Association Design Guides. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.

The affordable homes are situated within close proximity (within 400 metres) of regular public transport links and are located next to local amenities.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

We would be happy to assist with any queries on the affordable housing requirement for this application.

Craigmillar Community Council

No response received

Scottish Water

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:
Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.
In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-OurNetwork

Next Steps:

Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a PreDevelopment Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.
10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com
If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk

Flood Planning

Response 1 (19.06.19)

Thank you for the consultation request. I have reviewed the information online and have the following comments for the applicant:

1. The applicant has not completed a self-certification checklist or declaration for this application covering the design of the surface water network. The checklist should be completed to provide a summary of the information submitted in support of the application. As this development is classed as a major development under Planning definition then an independent consultant is required to check the design and submission. They must then sign the required declaration for inclusion with the application prior to issue to CEC Flood Prevention.

2. Could the applicant please provide clarification on the condition and the capacity of the existing surface water outfall and confirm permission to discharge to it.

Response 2 (20.11.19)

Thank you for sending through the Certificate B1 from Kaya for the SWMP, this is accepted.

We still require Certificate A1 (page 2/3 attached) completed and signed by InDev as mentioned in my last email. Following appropriate completion and receipt of this we will be happy for this to proceed to determination.

Response 3 (20.11.19)

This certificate is accepted and Flood Prevention have no further comments prior to determination for this application.

Waste Planning

Response 1 (07.08.19)

I have been asked to provide my comments as a consultee to this application on behalf of the Waste and Cleansing Services.

I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects or developers should liaise directly with me, via email at Sean.Hanlon@edinburgh.gov.uk
Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability. Should these drawings substantially change, please let me know.

The planning application drawings and documents do not show any suitable bin presentation points nor any storage space within the curtilage of the properties. We require the bin presentation point to be within 10m of the vehicle. We also require a swept path analysis showing the 12m refuse collection vehicle, driving up to the bins, and turning without any overhang.

Developers may either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them.

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

Regarding any commercial aspect, it would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities. This would have to be separate from the residential bin storage area.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.

Obviously sufficient capacity must also be provided to allow successful collection of each segregated waste stream. Initial information on the requirements for waste services is available in the Architect and Developers Instructions, which can be provided for reference.
I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

Response 2 (30.10.19)

We would not accept this swept path as it appears to show the overhang of the vehicle leaving the road area and we specify that this must be contained within the road area (see snip below). There also doesn’t seem to be a clear indication of the waste stream they would like to incorporate for this development (individual and/or any communal) although the majority of houses seem to be individual (confirmation needed) and this would be our preference.

We like to avoid mixing both individual and communal collections where possible due to the difference in frequency of collections (Communal weekly, individual fortnightly).

Response 3 (06.11.19)

There’s a bit overlapping a pavement highlighted below (pic 1).

(Pic 2) the possible collection point, I would like this confirmed if there isn’t a SPA to enter this location.

Also (Pic 3), it’s been brought to my attention the "bus only" part of this road.

It would make it easier if collections could have access through this area when doing the Corbieshot area. Is this something you would/could deal with?

Response 4 (15.11.19)

Apologies for the late response, I didn’t expect this to be adjusted just to help us with routing and appreciate the issues this would raise. Access is not a problem from the other side and I am just waiting on the S,P,A conforming at the overlapping points highlighted.

Response 5 (15.11.19)

Please forget earlier email, I have the revised S,P,A and it is now conforming.

Point 2 about the designated collection point has been addressed, we would like this signed as a presentation point and residents reminded to return bins after collection to their property.

As this is individual collections we would have no further input or issues with the proposal.
Thank you for your consultation which SEPA received on 06 November 2019.

Advice for the planning authority

We have no objection to this planning application, but please note the advice provided below.

1. Flood Risk

1.1 We have no objection on flood risk, on the basis that the City of Edinburgh Council is satisfied that the SUDS on site are appropriate.

2. Proximity to SEPA Regulated Sites.

2.1 The only site regulated by SEPA is the petrol station at the adjacent supermarket. This is regulated by means of Pollution Prevention and Control and we do not consider it will have impacts on the proposed development.

3. Surface Water

3.1 The discharge of surface water will be authorised by way of CAR General Binding Rules.

3.2 Consideration has been given to the use of SUDS at the construction phase. All SUDS should be designed in accordance with the CIRIA manual. It has been mentioned that the SIA approach has been used to select SUDS. Consideration should also be given to designing SUDS, particularly the detention basin, to provide habitat value.

Regulatory advice for the applicant

4. Regulatory requirements

4.1 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 the local SEPA office at:

Silvan House, SEPA 3rd Floor, 231 Corstorphine Road, Edinburgh EH12 7AT.
Tel: 0131 449 7296
Location Plan

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