

Development Management Sub Committee

Wednesday 17 February 2021

Application for Planning Permission 20/04338/FUL at Land Adjacent To, 107 Newcraighall Road, Edinburgh Application to construct 2 No. new dwellings.

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The proposals comply with the Edinburgh Local Development Plan. The proposal is acceptable in principle and will not have a detrimental impact on the quality and character of the local environment or the spatial character of the surrounding area. The proposal will result in the creation of a satisfactory residential environment and will not have a detrimental impact on the amenity of neighbouring residents. An infringement of the parking standards is acceptable in this location and sustainable modes of transport are encouraged through cycle provision. The proposal does not raise issues in respect of landscaping, protected species or flooding. The submission and implementation of remedial works is required to ensure the land is safe and stable for its use.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES03, LDES04, LDES05, LDES08, LEN03, LEN08, LEN09, LEN16, LEN18, LEN21, NSG, NSGD02,

Report

Application for Planning Permission 20/04338/FUL at Land Adjacent To, 107 Newcraighall Road, Edinburgh. Application to construct 2 No. new dwellings.

Recommendations

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

Background

2.1 Site description

The proposal site is an area of vacant grass land.

The site lies adjacent to residential properties no 113-113c Newcraighall Road to the east; two storey dwellings consisting of two modern builds and an inter-war dwelling. Beyond these properties lies Niddrie Bowling Club, comprising two bowling greens and pavilion, with the main Edinburgh to London railway line beyond that.

To the south, the site is bordered by the gardens of properties 109 and 111 Newcraighall Road. These are two single storey detached dwellings that front onto the A6095.

To the north, the site is bordered by land of the former Wanton Walls Farm (Category C Listed, Item No. LB46550). The Wanton Walls Farm site was granted planning permission and listed building consent for the erection of 11 dwellings, including a three-sided 'mews courtyard' to the east of the site. This proposal would take its access from the courtyard that leads onto Newcraighall Road.

The approved scheme and subsequent variations, for the Wanton Walls Farm redevelopment identifies an improved access junction with Newcraighall Road and internal road works that are a condition of that consent.

2.2 Site History

The proposal site:

7 September 2006 - Planning permission granted for the construction of two dwelling houses (application reference: 05/02230/FUL)

The land adjoining to the north:

28 August 2002 - Planning permission refused for the erection of 11 houses, alteration to an access road and the demolition of outbuildings. Permission subsequently granted on appeal by the Directorate for Planning and Environmental Appeals (DPEA) on 25 November 2003 (application reference: 01/02628/FUL).

28 August 2002 - Listed Building Consent refused for the demolition of farm outbuildings and a boundary wall. Consent subsequently granted on appeal by the Directorate for Planning and Environmental Appeals (DPEA) on 25 November 2003 (application reference: 01/02628/LBC).

10 August 2007 - Planning application for alteration to access, restoration and conversion of farmhouse to residential use and the demolition of derelict outbuildings and erection of 10 new dwellings withdrawn (application reference: 07/02946/FUL).

26 November 2007 - Listed building consent application for alteration to access, restoration and conversion of farmhouse to residential use and the demolition of derelict outbuildings and erection of 10 new dwellings withdrawn (application reference: 07/02946/LBC).

31 October 2007 - Non-material variation to application 01/02628/FUL approved reducing the number of dwellings from 11 to 10 and altering the road layout (application reference: 01/02628/VARY).

4 June 2019 - Non-material variation to application 01/02628/FUL approved amending design of units to east (application reference: 01/02628/VAR2).

4 September 2019 - Non-material variation to application 01/02628/FUL approved (application reference: 01/02628/VAR3).

23 September 2020 - Listed building consent application for the demolition of Wanton Walls Farmhouse withdrawn (application reference: 19/04907/LBC).

23 September 2020 - Planning application for the demolition of Wanton Walls farmhouse and construct two new semi-detached dwellings withdrawn (application reference: 19/04098/FUL).

29 October 2020 - Non-material variation to application 01/02628/FUL approved (application reference: 01/02628/VAR4).

The land adjoining to the east:

23 May 1990 - Outline planning permission was granted for the erection of two houses on land to the rear of 113 Newcraighall Road (application reference 377/90).

20 April 1994 - Planning permission was granted for the erection of a dwelling house (now No 113C Newcraighall Road) (Ref A/00395/94).

8 November 1995 - Planning permission was granted for the erection of a dwelling house (now No 113B Newcraighall Road) (application reference: A/02217/95).

8 November 1995 - Planning permission was granted for the erection of a dwelling house (now No 113B Newcraighall Road) (application reference: Ref A/02217/95).

Planning enforcement history includes:

17 December 2020 - No breach for alleged unauthorised development involving site clearance works - (Ref: 20/00715/EOPDEV)

26 May 2020 - No breach of planning control for enquiry relating to alleged drilling on site - (Ref: 20/00139/EOPDEV)

Main report

3.1 Description of the Proposal

The application proposes the erection of two new dwelling houses.

Plot 1 has four bedrooms with an internal floor area of 168 square metres (excluding the garage), with two car parking spaces including an integral garage and driveway. The rear garden area is over 180 sqm.

Plot 2 has four bedrooms with an internal floor area of 209 square metres (excluding the garage), with two car parking spaces including an integral garage and driveway. The rear and side garden area is over 290 square metres.

The proposed materials include white render walls with brick detailing on the principal elevation, dark grey framed windows and doors. Plot 1 includes a dark grey tiled pitched roof, and plot 2 includes a red tiled pitched roof.

Previous Scheme:

Site Plans

- addresses and position of neighbouring properties corrected
- boundary dimensions corrected and distances to boundaries added
- refuse storage added

Elevation and Floor Plans

- Cycle provision included
- Floor space detailed
- Heights (floor level, eaves and ridge) added
- Street elevation plan received including 25 and 45 degree lines, boundary fencing and neighbouring property elevations.

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 proposed development is acceptable in principle in this location;
- b) the proposal will adversely impact on the setting of a listed building;
- c) the scale, design and materials are acceptable;
- d) the proposal will provide satisfactory amenity for future residents;
- e) the proposal will adversely affect neighbouring amenity;
- f) the proposal will result in road safety issues;
- g) the proposal will result in loss of open space;
- h) the proposal will result in adverse impact on protected species;
- i) the proposal will have any archaeological implications;
- j) the proposal is sustainable and flooding and surface water management issues have been addressed;
- k) the proposal is acceptable in terms of the safety and stability of the land;
- l) the proposal does not raise any contaminated land issues;
- m) the proposal has adequate waste provision and
- n) issues raised in public comments are have been addressed.

a) Principle

The proposal site is located in the urban area as designated in the Local Development Plan (LDP). Proposals in the urban area must accord with relevant policies in the LDP.

LDP Policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria (a-d) on where this can be achieved.

Criteria d) prioritises the delivery of housing on other suitable sites in the urban area in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d), proposals must be compatible with other policies in the plan.

The site is located adjacent to existing residential dwellings, and to the south-east of a site with permission for to convert a farmhouse for residential use and ten new houses. The site is connected to existing public transport links on Newcraighall Road and is within walking distance to Newcraighall Train Station.

The site is also located between a larger site allocated for housing (HSG29) as identified in the LDP, with objectives to improve local education and transport infrastructure as part of this allocation.

The site is an appropriate and sustainable location for housing.

LDP policy Hou 4 (Housing Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility and its impact upon local facilities.

The surrounding area is characterised by detached properties of varying scale, set within generous gardens. This pattern of development is replicated by the consented houses to the north-east of the site.

The proposal is a low-density form of development that is in keeping with the scale and layout of the surrounding residential development. An appropriate level of greenspace is achieved, by virtue of the side and rear gardens serving the two houses, which will help create an attractive environment for future residents. The site contains access to public transport links, and further infrastructure improvements have been identified as part of the adjacent site's allocation for housing. Residential development in this location, will help to support local facilities in Newcraighall.

As such, introducing a development of this density is considered compatible with the density of residential development evident in the area, contributing to the viability of the local area, and complying with policy Hou 4.

LDP Policy Hou 3 (Private Green Space in Housing Development) seeks to ensure adequate provision of green space will be provided to meet the needs of future residents.

Edinburgh Design Guidance (EDG) states that private gardens of over 9m in length are encouraged. Further, that gardens of a similar size to neighbouring gardens are likely to be required in order to preserve the character of the area.

The proposal achieves private gardens of over 9m in length and the size achieved is an appropriate level of amenity space provision for future occupants. The scale of development does not require contributions to the greenspace network. The proposal complies with policy Hou 3.

The proposal is an acceptable location for new housing as the site is connected to public transport links nearby. The density of development is compatible with the surrounding residential development and an appropriate level of greenspace is achieved. The development will support the viability and viability of local services through increased footfall. The proposals comply with LDP policies Hou 1, Hou 3 and Hou 4.

b) Listed Building

LDP policy Env 3 states that planning permission will be granted for development within the curtilage of a listed building or affecting the setting of a listed building if not detrimental to the architectural character, appearance or historic interest of the building, or its setting.

The proposal site lies to the south-east of a listed farmhouse which has permission to be converted for residential use as part of a wider development, including ten new houses as part of the approved non-material variation (01/02628/VAR4) to scheme 01/02628/FUL.

The proposal is of a scale and position that is in keeping with the built form of this surrounding site. New residential development in proximity to the listed building, has been established as acceptable as part of these previous schemes.

The distance retained from the proposal site to the listed farmhouse is in excess of the majority of this approved residential layout. Its position to the eastern corner of this site will not result in any adverse impact on the setting of the listed building. The scale, form and position of the proposal will not interfere with oblique views of the listed building or disrupt formal approaches.

The proposal does not conflict with LDP policy Env 3.

c) Scale, form, design and neighbourhood character

LDP Policy Des 1 (Design Quality and Context) supports new development where the design reflects the positive characteristics of the area.

LDP Policy Des 3 (Design Existing and Potential Features) supports development where existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP Des 4 (Design- impact on Setting) requires new development proposals to have similar characteristics to the surrounding urban grain, paying close attention to scale, height and positioning of buildings, materials and detailing.

The Edinburgh Design Guidance (EDG) sets out key aims for new development to have a positive impact to the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings and site materials and detailing. Further, that in residential developments, car park dominated frontages are discouraged to minimise the visual impact and improve the quality of the public realm.

The surrounding area comprises primarily of detached dwellings of mixed character which vary in scale, form and material palette with no defined architectural style evident. There is range of modern, post war and older buildings in the area.

The proposal, in terms of layout and form, has been designed to tie with the surrounding approved residential development. The location of the houses completes the grouping of houses orientated around the courtyard to the front.

The height and scale of the buildings is compatible with this neighbouring permission and are of appropriate proportions in the context of the varying scale of existing houses in the immediate area. The material palette: including render walls with brick finishes and red/ grey tiling is consistent with properties in the surrounding area and appropriate. A condition will be applied to require full details of the final materials to be submitted to the planning authority for consideration prior to any development commencing on site, in order for the planning authority to consider these matters in detail.

Further, there is adequate space retained between the properties. There is range in the position of buildings within plots, and the proposed distances retained to the boundaries is not out of character in this location.

The development includes a paved surface to the front of the dwellings. Whilst this has the potential to be used for parking, the applicant has stated the design intention for this layout is as an extension to the approved neighbouring courtyard development. The design is in keeping with this neighbouring development therefore would not appear out of character and is acceptable in this location.

The proposal includes new timber fencing as boundary treatments to the north and west of the site and between the proposed gardens. The height, material and location of this fencing is appropriate and therefore complies with policy Des 8.

Overall, the design respects the surrounding urban pattern, scale and height and massing and in compliance with LDP Policies Des 1, Des 3, Des 4, Des 8 and the Edinburgh Design Guidance.

d) Creation of a Satisfactory Living Environment

Policy Des 5 (Development Design- Amenity) states that development will be permitted where future occupiers have acceptable levels of amenity in regard to noise, daylight, sunlight, privacy or immediate outlook.

In regard to space standards, EDG guidance states that residential dwellings of three bedrooms or more shall have a minimum floor area of 91 square metres. The proposed dwellings contain four bedrooms and have floor areas of 168 sqm (plot one), and, 209 sqm (plot two) respectively therefore meet these standards.

In terms of daylight, the dwellings will achieve a satisfactory level of daylight by virtue windows on the principal and rear elevation. The proposed dwelling on plot 2 will benefit from dual-aspect rooms by virtue of the windows on the north-east elevation and achieve satisfactory levels of daylight.

In terms of sunlight, both properties contain large south-east facing gardens. The size of these areas in tandem with the retained separation distances to the neighbouring properties is sufficient in order to achieve appropriate levels of sunlight.

In regard to private greenspace, the gardens exceed the minimum size guidance of the EDG, ensuring a good quality living environment for future residents.

The proposal complies with Hou 3 (Private Green Space in Housing Development) and exceeds the requirements of the Edinburgh Design Guidance, ensuring a good quality living environment for future residents. The proposed units all comfortably exceed the minimum internal floor areas set out in guidance.

Overall, the proposal will result in the creation of a satisfactory residential environment and complies with LDP Policy Des 5. The proposal will provide quality amenity space for residents, in compliance with LDP Policy Hou 3 and Edinburgh Design Guidance.

e) Impact on Neighbouring Amenity

LDP Policy Des 5 (Design-Amenity) supports proposals that have no adverse impact on neighbouring developments in regard to noise, daylight, sunlight, privacy or immediate outlook.

In regard to privacy and outlook, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. The rear side of development often offers better opportunity for privacy than the street side; which can be compromised by existing proximity of neighbours' windows. The guidance does not seek to protect the privacy of gables of existing housing.

All proposed windows on the principal elevation would face the street side of the wider site and raise no privacy issues. The distances retained from rear windows to the boundary are characteristic of separation distances in the area and would prevent any unreasonable impact on privacy from overlooking.

In regard to plot 2, windows in the north-east elevation at ground floor would be screened by the existing boundary wall, which would prevent an impact on the facing neighbour's property through overlooking. First-floor bedroom windows to this side, are 8m and 10m from the boundary respectively and the rear bedroom window would be approximately 10m from the facing window of property no.113b.

There is range in the pattern of development in the area. The distance retained between the east elevation of plot 2 and the north-east boundary, exceeds that of existing buildings (113a-113c) and the facing boundary to the south-west. The proposed retained distances are not at odds with the spatial character of the area and it would be unreasonable to withhold permission on privacy grounds, given the existing proximity of these neighbouring windows to the proposal site's boundary.

Appropriate separation distances are therefore retained in this location, and the proposal is not at odds with the spatial pattern of the area in accordance with the Edinburgh Design Guidance. No unreasonable impact on neighbour's privacy would occur as a result.

In regard to daylight, diagrams detailing the Vertical Sky Component 25-degree method have been submitted in relation to neighbouring properties. These demonstrate compliance with this criterion of the Edinburgh Design Guidance, and therefore would have no unreasonable impact on daylight to existing buildings.

In regard to sunlight, 45 degree diagrams have been submitted in relation to neighbouring gardens. These demonstrate compliance with this criterion, and therefore would have no effect on sunlight to neighbour's gardens.

The scale and location of the proposal will not block the immediate outlook of neighbouring dwellings in accordance with the Edinburgh Design Guidance.

Further, the proposed use of the site for two residential dwellings and is compatible with the predominantly residential character of the local area. It is therefore not anticipated that the development would give rise to an unreasonable level of noise.

Overall, the proposal will not result in an unreasonable impact on neighbour's amenity. It is therefore compliant with LDP Policy Des.

f) Transport

LDP policy Tra 2 states that car parking provision should comply with and not exceed the levels set out in Council guidance.

The proposal site is identified within the Edinburgh Design Guidance Parking Standards as being within Zone 3. The EDG identifies that residential properties within this area should have a maximum parking provision of 1 space per dwelling. There is no minimum parking provision.

The proposal includes provision for two car parking spaces per dwelling and therefore exceeds the maximum standard. The applicant has stated that the frontage has been designed in order to complement the approved courtyard style development of the neighbouring site. The site layout results in an infringement of current guidance.

The design of the paved surface will be in keeping with the appearance of the immediate area and is therefore acceptable in this location.

No objections have been received from the Roads Authority and an infringement of the parking standards is acceptable, in this instance, based on the layout of the required access and driveway.

LDP policy Tra 3 states cycle parking and storage provision should comply with the standards set out in Council guidance.

Edinburgh Design Guidance identifies that for four-bedroom residential properties in Zone 3, should have a minimum cycle parking provision of 3 spaces per dwelling.

The proposal includes three spaces per dwelling in the integral garages, therefore meets these standards.

LDP policy Tra 2 has not been complied with. A departure from the council parking standards is acceptable in this instance based on the courtyard design of the approved housing and the layout of the site.

The proposal is compliant with LDP policy Tra 3.

g) Open Space

LDP policy Env 18 states proposals involving the loss of open space will not be permitted unless it is demonstrated that it meets criteria (a-e) where applicable. Criteria include the impact on the quality or character of the local environment, the proportion of the area, its amenity value, impact on wider networks, biodiversity value, local benefit or community use.

Supporting paragraph 194 states that the policy seeks to protect all open spaces that contribute to the amenity of their surroundings and city.

The proposal site is a small area of land comprising of grass land and low-lying shrubs. Some surface vegetation has been cleared on site. Prior to the vegetation clearance, the area of land was overgrown in its appearance.

The unkempt nature of the land and its small scale is of limited amenity value in terms of its contribution to the wider landscape character or potential use. Loss of this space will not have a significant impact on the quality or character of the local environment or biodiversity value.

The proposal does not conflict with LDP policy Env 18

h) Protected Species and Ecology

LDP Policy Env 16 (Species Protection) aims to ensure development will not be to the detriment to the maintenance of a protected species and suitable mitigation is proposed.

The proposal site is an area of land consisting of grass, and shrubbery where some surface vegetation has been cleared from the site. There is no evidence of protected species on site and having regard to the nature of this land, this is not suspected.

An informative has been included that a nesting bird check should be undertaken on site by a suitably qualified ecologist, in order to prevent impacts on nesting birds and minimise ecological impacts from the proposal.

The proposal will therefore not adversely impact on protected species, and therefore does not conflict with LDP policy Env 16.

i) Archaeology

LDP Policy Env 9 (Development Sites of Archaeological Significance) aims to protect archaeological remains.

Accordingly, the aim should be to preserve archaeological remains in situ as a first option. A condition is recommended that a programme of archaeological work is undertaken during the demolition/development of this area to fully excavate, record and analysis any significant remains that may be uncovered.

j) Flood Risk and Surface Water Management

Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems. LDP policy Des 6 (Sustainable Buildings) states permission will be granted for development that incorporates low and zero carbon technologies and features that reduce or minimise environmental resource use.

The site is identified within the SEPA flood risk maps as containing a high surface water risk, and no specific river or coastal risks.

A Flood Risk and Drainage Assessment have been submitted in support of the application. The applicant has confirmed attenuation measures designed for surface water treatment. Further, that the wider surface water network has been designed to accommodate the run-off from the proposal, and attenuation has been sized to accommodate the proposal site.

No objections have been received from Flooding on receipt of this additional information.

Informatives have been recommended to manage surface water run-off, and water attenuation features, such as rain gardens, as part of the proposed development. Inclusion of these measures/ features will help support biodiversity and moderate environmental impact from the proposals in accordance with LDP policy Des 6.

Overall, the proposal has been designed to mitigate potential flood risk and accords with LDP Policy Env 21.

k) The Coal Authority

The site lies within a Development High Risk Area. The Coal Authority has been consulted on this proposal and have indicated that the site lies in an area where coal mining has taken place at shallow depth.

The applicant has submitted a 'Completion Report for Investigation and Consolidation of Underground Voids in Shallow Mineworkings' in support of the application which details remedial works proposed to consolidate shallow mine workings on the proposal site.

On receipt of this information, The Coal Authority have withdrawn their initial objection subject to the implementation of these remedial measures, in order to ensure the safety and stability of the development and confirmation of completion of these works for approval by the Local Planning Authority. These measures have been included by condition in order to ensure the safety and stability of the development.

l) Environmental Protection

Environmental Protection has been consulted on the proposal. The proposal site is within an area which is designated as potentially affected by coal mine workings and should be investigated to ensure that the site is made safe for the proposed use.

A site survey is therefore required to establish the level of risk to human health and the environment by contaminated land. Thereafter a schedule of remedial measures, if required, to be submitted for approval to the Local Planning Authority and implemented. These conditions are in order to ensure the site is made safe for its end use.

m) Waste

The applicant has submitted details regarding the location of refuse facilities and vehicle tracking. Final agreement of the Waste Strategy is to be agreed with the Waste Planning Team therefore an informative has been included in regard to this.

n) Public Comments

Material Considerations - Objection Summarised as the following:

- Insufficient information provided (scale, height, distances to neighbouring properties, insufficient photos of surrounding area,) : The planning authority has assessed the submitted documents and considers that they are sufficient to accord with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- Inaccurate addresses on neighbouring properties: Revised plans have been received from the applicant which have correct the addresses of the neighbouring properties.
- Listed Building and setting / curtilage - Addressed in section 3.3 b)
- Design, height, scale, density, positioning of proposal is out of character with area contrary to LDP policies Des 3, Des 4 and Des 5 - Addressed in section 3.3 c)
- Boundary treatments not included; policy Des 8 detailed - Addressed in section 3.3 c)
- Impact on neighbouring properties not detailed. -Addressed in section 3.3 e)
- Impact on daylight and sunlight - Addressed in section 3.3 e)
- Impact on privacy and immediate outlook - Addressed in section 3.3 e)
- Noise - Addressed in section 3.3 e)
- Roads access requires separate approval - The applicant has confirmed that the road layout indicated on these drawings is consistent with the layout of the approved planning layout 01/02628/VAR4. Any final layout of the wider site will have to be agreed with the Roads Authority as part of a Road Construction Consent (RCC) prior to implementation.
- Biodiversity / Landscape Character and Policies Des 3, Des 4 and Env 16 - Addressed through sections 3.3 c, g and h)
- Lack of information in regard to impact on ecology, biodiversity, wildlife and status of site: The site is not a nature conservation site as identified within the LDP, therefore policies Env 13- 15 are not applicable to the proposal. No further information was required in regard to these environmental aspects.)
- Archaeological considerations - Addressed in section 3.3 i)
- Drainage, LDP policy Des 6 - Addressed in section 3.3 j)
- Coal Authority issues - Addressed in section 3.3 k)

- Developer Contributions - The number of units for the wider site cannot be accounted for as part of this proposal. The scale of this proposal does not incur developer contributions therefore policy Del 1 is not applicable.
- Affordable housing provision - The number of units for the neighbouring permission cannot be accounted for as part of this proposal. The number of units proposed do not require provision for affordable housing therefore policy Hou 6 is not applicable.
- Green Belt - The site is former green belt land therefore green belt policies are not applicable to this planning application.

Non-material Comments

- Proposal differs in scale, design and position to previous consent on the proposal site: The proposal is assessed on its own merits having regard to relevant policy and guidance.
- Alters conditions of neighbouring development site which includes curtilage of listed building: The proposal is assessed on its own merits having regard to relevant policy and guidance.
- Applicant subject to existing planning enquiry from neighbouring site: This matter cannot materially be assessed as part of this planning application and would be for separate consideration by planning enforcement.
- Adjacent properties not built in accordance with the approved drawings: This matter cannot materially be assessed as part of this planning application.
- Impact on neighbouring permissions: This matter cannot materially be assessed as part of this planning application.
- Impact on existing views (Arthurs seat): Private views of the surrounding area cannot be protected under the planning process.
- Ground stability / foundations of neighbouring site - This matter is not controlled through the planning process.
- Impact of construction vehicles on road traffic, noise and dust during construction. Not a matter controlled through the planning process - This matter is not controlled through the planning process.
- Title Deeds This matter is a private, civil or legal consideration that cannot be assessed through the planning process.

o) Conclusion

The proposals comply with the Edinburgh Local Development Plan. The proposal is acceptable in principle and will not have a detrimental impact on the quality and character of the local environment or the spatial character of the surrounding area. The proposal will result in the creation of a satisfactory residential environment and will not have a detrimental impact on the amenity of neighbouring residents. An infringement of the parking standards is acceptable in this location and sustainable modes of transport are encouraged through cycle provision. The proposal does not raise issues in respect of landscaping, protected species or flooding. The submission and implementation of remedial works is required to ensure the land is safe and stable for its use.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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.
2. No development shall commence until land remedial consolidation and stabilisation works to address land instability arising from shallow coal mining legacy has been implemented on site in order to ensure that the site is made safe and stable for the development proposal.

Evidence of these works shall be submitted to and agreed by the planning authority prior to the commencement of development on site.

3. Prior to the commencement of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority and thereafter approved in writing. This document shall confirm the completion of the remedial works necessary to address the risks posed by past coal mining activity.
4. (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the site is made safe and stable.
3. In order to ensure that remedial works have been carried out to an acceptable standard.
4. In order to ensure the site is made safe for the proposed use.
5. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. A waste strategy shall be agreed with the Council's Waste Planning team in line with current instruction for architects and developers guidance, available at www.edinburgh.gov.uk/wasteplanning.
5. 1. Any off-street parking space should comply with the following:
 - a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth).
 - b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road.
 - c. Any gate or doors must open inwards onto the property.
 - d. Any hard standing outside should be porous.
 - e. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits.

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

6. 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.
7. A source control surface water attenuation and treatment measures should be considered in order to manage runoff from the two proposed buildings and to provide additional attenuation prior to discharge to the culvert.
8. Above ground surface water attenuation and treatment features should be considered, including features integrated into the landscape such as raingardens. In order to reduce storage capacity or blockages and encourage wider benefits to biodiversity and placemaking improvements.
9. Vegetation clearance works should be undertaken outside of the nesting bird season (March - August). If this is not possible, a nesting bird check should be undertaken by an ecologist prior to works commencing. 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.

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

14 representations have been received. All are objections.

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

Policies - Edinburgh Local Development Plan - Urban Area

Date registered

20 October 2020

Drawing numbers/Scheme

01A, 02A, 03B, 04B, 05A, 06A, 07A, 08C, 09, 10,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer

E-mail: lewis.mcwilliam@edinburgh.gov.uk

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 20/04338/FUL at Land Adjacent To, 107 Newcraighall Road, Edinburgh Application to construct 2 No. new dwellings.

Consultations

Transport:

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

1. Any off-street parking space should comply with the following:
 - a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - c. Any gate or doors must open inwards onto the property;
 - d. Any hard-standing outside should be porous;
 - e. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
2. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

- The application states that a total of 4 car parking spaces will be provided. Whilst this does not comply with the Council's parking standards (maximum of 1 space per residential unit) it is considered acceptable based on the layout of the required access and driveway;

Archaeology:

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the construction of 2 new dwellings.

The site occurs formed part of the grounds surrounding the 18th century C-listed farm of Wanton Walls. According to Harris (The Place Names of Edinburgh) the name was first recorded as Wantounwallis in 1596 and suggests a likely early medieval date for occupation in this area. The present-day farmhouse dates to the early 18th century and it seems therefore to be one of two buildings depicted on John Laurie's 1766 plan of Edinburgh and the Lothians on the site situated on the eastern side of a burn. By the 1853 1st Edition OS map this original house has been adapted into a farmhouse with an open rectangular farm steading and enclosed gardens/paddocks to both the SW & NE, the site being located within one of these gardens/paddocks.

In addition, the fields lying immediately to the north of the site, between the farm and Brunstane House, contain a wide range of archaeological sites identified as cropmarks from aerial photographs. These include the remains of three probable prehistoric enclosures (NT37SW 60, 238 & 573), extensive evidence for coal mining (coal pits and shafts) and medieval/post-medieval rig and furrow. The scale of historic mining at Newcraighall which may date back to the medieval period has only come to light due to the results of recent (2014-16) excavations carried out by GUARD in advance of major housing developments to both the North and South of the village. Here extensive areas of previously unknown late/post-medieval mine workings have been identified alongside more modern industrial era (late 18th and 20th century) mining remains. In addition, these excavations have also produced evidence for prehistoric occupation dating to the Neolithic (c.4000 -2500BC) and Bronze Age (c.2500-750BC)

Accordingly, this site has been identified as occurring within an area of archaeological potential. This application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and 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 scheme will require ground-breaking works relating to removal of topsoil and construction of the new development. Considering the recent work at Newcraighall, in particular across the neighbouring plots, it is possible that these works will disturb significant remains associated with the area's pre-industrial (pre-19th century) mining heritage as well potentially earlier prehistory remains. Accordingly, it is recommended that programme of archaeological works is undertaken prior to/during development in order to fully excavate and recording any surviving archaeological remains including those relating to the sites mining heritage. 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 demolition/ 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.'

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.

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

-There is currently sufficient capacity for a foul only connection in the Edinburgh Waste Water Treatment works to service your development. 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.

Asset Impact Assessment

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 via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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 from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, 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 information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

-All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal 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 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 laundrettes. Activities not covered include hotels, caravan sites or restaurants.

-If you are in any doubt as to whether the discharge from your premises is likely 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 [here](#).

-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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

The Coal Authority:

Thank you for your consultation letter of 18 December 2020 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

As you are aware, the application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that the site lies in an area where coal mining is recorded to have taken place at shallow depth and where further historic unrecorded

shallow coal mining is likely to have taken place. You will recall that the Coal Authority objected to the proposal in our initial consultation response letter of 30 November 2020 due to the lack of a Coal Mining Risk Assessment Report, or an equivalent report, to identify and assess the risks posed to the proposed development by coal mining legacy.

In response to our objection, we note that the planning agent has now submitted a letter from Hamish Martineau of Etive Consulting Engineers (dated 18 December 2020) along with a 'Completion Report for Investigation and Consolidation of Underground Voids in Shallow Mineworkings' (March 2020, prepared by FWS) in support of the application. Protecting the public and the environment in mining areas.

Mr Martineau highlights that as part of works to consolidate shallow mine workings on an adjacent development site, the current application site was subject to intrusive investigation by means of six boreholes, as detailed in the FWS report. These works were carried out under Coal Authority Permit 19444.

Mr Martineau indicates that all of the boreholes encountered the Splint Coal Seam, with the seam found to be intact / unworked coal in two boreholes and worked in the other four. He confirms that, subject to the outcome of the planning application, it is the applicant's intention to undertake remedial works to consolidate the identified shallow mine workings beneath the application site. The FWS report advises that the drilling and grouting consolidation works should be carried out on a 3m grid.

The Coal Authority welcomes the remedial measures recommended by Mr Martineau and FWS. These measures should be designed by a suitably competent person in order to satisfactorily remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The applicant is requested to note that Permission is required from the Coal Authority Permitting and Licensing Team before undertaking any activity that may disturb Coal Authority property, i.e. coal and mine workings.

The applicant does not appear to have provided an assessment of risk posed by mine gas migration at the application site. Given the presence of shallow mine workings beneath the site, the Coal Authority recommends that the LPA seek comments from the Council's Environmental Health / Public Protection Team on this matter and any resultant need for gas monitoring and/or the incorporation of gas protection measures within the proposed development.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusions and recommendations of the applicant's technical consultants; that shallow coal mining legacy poses a risk to the proposed development and that remedial measures are required in order to ensure the safety and stability of the development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence until remedial consolidation/stabilisation works to address land instability arising from shallow coal mining legacy have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above conditions. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

Environmental Protection :

The application proposes 2 new residential properties on an area of vacant land. Residential properties exist to the south and east and are consented to the north west and west. The site is within an area which is designated as potentially affected by coal mine workings and should be investigated to ensure that the site is made safe for the proposed end use. A condition is recommended below to this effect.

Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Communities and Families :

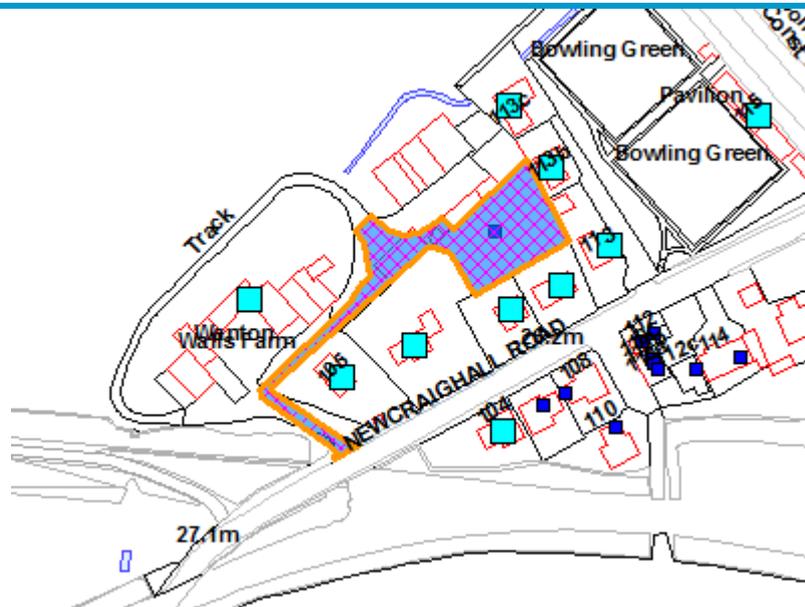
The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil. Using the pupil generation rates set out in the Supplementary Guidance, a development of two houses is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Flooding :

Thank you for forwarding the responses to our previous comments.

This application can proceed to determination, with no further comments from our department.

Location Plan



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